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# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

# Final Document

## Volume II

## Part III
## Documents issued at the Conference

New York, 2000

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Volume II

## Part III
## Documents issued at the Conference

United Nations • New York, 2000

*Note*

The Final Document of the 2000 Review Conference of the Parties to the Treaty of the Non-Proliferation of Nuclear Weapons consists of four parts in three volumes:

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| **Volume I** | | NPT/CONF.2000/28 (Parts I and II) |
| | Part I | Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference |
| | | Improving the effectiveness of the strengthened review process for the Treaty |
| | Part II | Organization and work of the Conference |
| **Volume II** | | NPT/CONF.2000/28 (Part III) |
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| NPT/CONF.2000/16 | Letter dated 2 March 2000 from the Permanent Representative of Mongolia to the United Nations addressed to the Provisional Secretary-General of the Review Conference, transmitting the Law of Mongolia on its nuclear-weapon-free status and the Parliament resolution on measures to be taken in connection with the adoption of the law |
| NPT/CONF.2000/17 | Multilateral nuclear supply principles of the Zangger Committee. Working paper submitted by members of the Zangger Committee |
| NPT/CONF.2000/18 | Letter dated 20 April 2000 from the Permanent Representative of Indonesia to the United Nations addressed to the Provisional Secretary-General of the Review Conference, transmitting a working paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/19 | Note verbale dated 25 April 2000 from the Permanent Mission of Portugal to the United Nations addressed to the Secretariat of the Review Conference, transmitting a document entitled "Council common position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons" |
| NPT/CONF.2000/20 | Letter dated 28 April 2000 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Review Conference, transmitting a working paper presented on behalf of the States members of the League of Arab States to the Review Conference, on the implementation of the resolution on the Middle East adopted in 1995 |
| NPT/CONF.2000/21 | Letter dated 1 May 2000 from the representatives of France, China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Review Conference, transmitting a joint statement |

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| NPT/CONF.2000/22 | Letter dated 1 May 2000 from the Permanent Mission of China to the United Nations addressed to the United Nations Department for Disarmament Affairs, transmitting a document entitled "National Report on the Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons by the People's Republic of China" |
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| NPT/CONF.2000/24 | Letter dated 8 May 2000 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General of the Review Conference transmitting a document entitled "Cuba's position on the Treaty on the Non-Proliferation of Nuclear Weapons" |
| NPT/CONF.2000/25 | Communiqué from the Ministers for Foreign Affairs of the Rio Group concerning the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by Colombia on behalf of the Rio Group |
| NPT/CONF.2000/26 | Schedule of division of costs |
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| NPT/CONF.2000/WP.2/Rev.1 | Working paper on implementation of the decision on strengthening the review process for the Treaty, submitted by Japan and Australia |

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| NPT/CONF.2000/WP.3 | Letter dated 24 April 2000 from the Minister for Foreign Affairs of Mexico addressed to the Secretary-General of the Review Conference, transmitting a working paper entitled "Nuclear disarmament", submitted by the delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden |
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| NPT/CONF.2000/WP.6 | Working paper on strengthened review, submitted by the United States of America |
| NPT/CONF.2000/WP.7 | Working paper on proposals to improve the effectiveness of the strengthened review process of the Non-Proliferation Treaty, including a programme of action, submitted by the Netherlands and Norway |
| NPT/CONF.2000/WP.8 | Working paper on review of the implementation of article VI, submitted by France |
| NPT/CONF.2000/WP.9 | Working paper on strengthening the review process for the Treaty: proposal for the establishment of a Non-Proliferation Treaty Management Board, submitted by Nigeria |
| NPT/CONF.2000/CRP.1 | Proposed language on "The Strengthened review process", submitted by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons to the Plenary |
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| NPT/CONF.2000/MC.I/WP.5 | Working paper submitted by Portugal on behalf of the European Union for Main Committee I |
| NPT/CONF.2000/MC.I/WP.6 | Working paper on nuclear verification, submitted by the United Kingdom of Great Britain and Northern Ireland |
| NPT/CONF.2000/MC.I/WP.7 | Working paper submitted by Belgium, Germany, Italy, the Netherlands and Norway, complementary to the European Union Common Position, for consideration in Main Committee I and Subsidiary Body 1 |
| NPT/CONF.2000/MC.I/WP.8 | Working paper on draft elements on principles to promote nuclear disarmament, submitted by Germany for Main Committee I |
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| NPT/CONF.2000/MC.I/CRP.8 | Drafting suggestions to the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden |
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| NPT/CONF.2000/MC.I/CRP.10 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by the United States of America |
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| NPT/CONF.2000/MC.I/CRP.15 | Proposed language for paragraph II.4, on universality, of the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by Belgium, Denmark, Germany, Italy, Luxembourg, the Netherlands, Norway, Spain, Switzerland |
| NPT/CONF.2000/MC.I/CRP.16 | Proposals for inclusion in the outcome of the work of Main Committee I, submitted by Botswana, Brazil, Chile, Colombia, Egypt, Ireland, Kenya, Mexico, Nigeria, Peru, South Africa and Thailand |
| NPT/CONF.2000/MC.I/CRP.17 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by Iraq |
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| NPT/CONF.2000/MC.I/SB.1/WP.3 | Working paper on nuclear disarmament, submitted by Finland |
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| NPT/CONF.2000/MC.II/WP.5 | Working paper on safeguards in nuclear-weapon States and States with unsafeguarded inventories, submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
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| NPT/CONF.2000/MC.II/WP.8 | Working paper on physical protection, illicit trafficking, submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| NPT/CONF.2000/MC.II/WP.9/Rev.1 | Working paper on implementation of the resolution of 1995 on the Middle East, submitted by Egypt |
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| NPT/CONF.2000/MC.III/WP.5 | Working paper on the peaceful uses of nuclear energy: the Treaty on the Non-Proliferation of Nuclear Weapons and the role of the International Atomic Energy Agency, submitted by Egypt |
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| NPT/CONF.2000/MC.III/CRP.9 | Proposal on article IV: peaceful uses of nuclear energy, transport of nuclear material by sea, submitted by the States parties members of the Caribbean Community (Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago) |
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**2000 Review Conference of the**

**Parties to the Treaty on the**

**Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/1*
21 May 1999

ORIGINAL: ENGLISH

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# FINAL REPORT OF THE PREPARATORY COMMITTEE FOR THE 2000 REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

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* Reissued for technical reasons.

## I. TERMS OF REFERENCE AND ORGANIZATION OF WORK

1. At its fifty-first session, the General Assembly, in its resolution 51/45 A of 10 December 1996, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first meeting of the Preparatory Committee in New York from 7 to 18 April 1997.

2. Accordingly, the Committee held its first session in New York from 7 to 18 April 1997. Following the decision taken at that session, the Committee held its second session at Geneva from 27 April to 8 May 1998 and its third session in New York from 10 to 21 May 1999. Progress reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2000/PC.I/32 and NPT/CONF.2000/PC.II/36.

3. At the first session of the Preparatory Committee, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and Other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and Other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed for the presidency of the 2000 Review Conference.

4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Mr. Pasi Patokallio (Finland) to serve as Chairman of the first session. It also decided that Mr. Tadeusz Strulak (Poland) would be Chairman of the second session. It was further decided that, when not serving as Chairman, the chairmen of the sessions of the Preparatory Committee would serve as vice-chairmen of the Committee.

5. At its second session, the Committee was informed that the Government of Poland had proposed Mr. Eugeniusz Wyzner to succeed Mr. Strulak in his function as Chairman of the second session. Furthermore, at the same session, the Committee elected Mr. Andelfo Garcia Gonzales (Colombia) as Chairman of the third session and as Vice-Chairman of the second session, and Mr. Markku Reimaa (Finland) as Vice-Chairman of the Committee.

6. At its third session, the Committee had been informed that the Government of Colombia had proposed Mr. Camilo Reyes Rodríguez to succeed Mr. Garcia in his function as Chairman of the third session. At the third session, the Committee authorized its Bureau and the President-Elect to handle technical and other organizational matters in the period before the Conference. It also decided that the Chairman of the third session should open the Conference.

7. At its first session, the Committee adopted its agenda as contained in paragraph 8 of document NPT/CONF.2000/PC.I/32.

8. Mrs. Hannelore Hoppe, Senior Political Affairs Officer, Department for Disarmament Affairs, served as Secretary of the Preparatory Committee. The International Atomic Energy Agency (IAEA) was represented at all sessions.

9. Delegations of the following 158 States parties participated in one or more sessions of the Preparatory Committee:

> Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

10. At its first session, the Committee decided that:

- Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. Accordingly, representatives of the following States not parties to the Treaty attended one or more sessions of the Committee as observers: Cuba, Israel and Pakistan;

- Representatives of specialized agencies and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. The following intergovernmental organizations were represented as observers at meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), European Commission, South Pacific Forum, League of Arab States, Organization of the Islamic Conference and Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;

- Representatives of non-governmental organizations (NGOs) should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the public gallery, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee would also make time available at each session, during which the non-governmental organizations could make presentations. Representatives of over 70 non-governmental organizations attended each of the sessions of the Committee.

11. At its first session, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 1995 Review and Extension Conference of the parties to the NPT, which would be applied mutatis mutandis.

12. Also at its first session, the Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.

13. In accordance with the Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. The summary records of the first session were issued as documents NPT/CONF.2000/PC.I/SR.1-3, 13 and 15. The summary records of the second session were issued as documents NPT/CONF.2000/PC.II/SR.1-4 and 16. The summary records of the third session (NPT/CONF.2000/PC.III/SR.1-3 and 19) are issued separately as annex I to the present report.

14. At each session, the Committee set aside meetings for a general exchange of views on issues related to all aspects of its work in the course of which many delegations made statements. In particular, the general exchange of views at the third session of the Committee included discussion on and consideration of any proposals on expected products of the 2000 Review Conference. All statements are reflected in the summary records of those meetings.

## II. SUBSTANTIVE WORK OF THE COMMITTEE

15. The Committee held 21 meetings devoted to substantive discussions under agenda item 4, entitled "Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference

of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons". In doing so, the Committee used as a basis for a structured discussion the three sets of issues (clusters) contained in annex V to the final report of the Preparatory Committee for the 1995 Review and Extension Conference (NPT/CONF.1995/1).

16. At the first session, the Chairman put forward a working paper containing results of informal consultations on draft recommendations to the 2000 Review Conference (NPT/CONF.2000/PC.I/32, annex II). The Committee then recommended that, at its second session, the official documents and other proposals submitted by delegations during the first session of the Preparatory Committee should be taken into account during further work on draft recommendations to the Review Conference and also the working paper submitted by the Chairman, which would be interpreted in the light of the official documents and proposals made by delegations. The Committee also recommended that it should continue, at its second session, the consideration of all aspects of the Treaty in a structured and balanced manner, in accordance with agenda item 6, entitled "Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

17. At its second session, the Committee allocated one meeting to the discussion on and consideration of any proposals on each of the following subject areas:

(a) The provision in paragraph 4 (b) of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

(b) The resolution on the Middle East adopted at the 1995 Review and Extension Conference; and

(c) Security assurances for parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

18. At its third session, the Committee allocated one meeting to the discussion on and consideration of any proposals on each of the following subject areas:

(a) The provisions in article VI of the Treaty and in paragraphs 3 and 4 (c) of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", dealing with "Nuclear Disarmament";

(b) The provision in paragraph 4 (b) of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" for "the immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein"; and

(c) The "Resolution on the Middle East" adopted at the 1995 Review and Extension Conference.

19. The Preparatory Committee considered in the process of the preparation of the 2000 Review Conference principles, ways and means for the implementation of the preamble and the articles of the Treaty and the Decisions and the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, in accordance with paragraph 4 of the decision on "Strengthening the Review Process for the Treaty". The Chairman put forward a working paper on 14 May 1999 (annex II) containing elements of draft recommendations to the Review Conference. Following consultations on these proposals and other written proposals made by delegations (annex III), the Chairman put forward a revised working paper on 20 May 1999 (annex IV). Further consultations were held on elements contained in the Chairman's revised paper. In this regard the Preparatory Committee was unable to reach agreement on any substantive recommendations to the 2000 Review Conference.

20. The Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex V to the present report.

## III. ORGANIZATION OF THE WORK OF THE REVIEW CONFERENCE

21. In the course of its sessions, the Committee considered the following questions relating to the organization and work of the Conference:

(a) Dates and venue of the Conference;

(b) Draft rules of procedure of the Conference;

(c) Election of the President and other officers of the Conference;

(d) Appointment of the Secretary-General of the Conference;

(e) Provisional agenda of the Conference;

(f) Financing of the Review Conference, including its Preparatory Committee;

(g) Background documentation for the Conference;

(h) Final outcome of the Conference.

### Dates and venue of the Conference

22. At its second session, the Committee reaffirmed its agreement, reached at its first session, that the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons would take place in New York from 24 April to 19 May 2000.

### Draft rules of procedure of the Conference

23. At its second and third sessions, the Committee considered the draft rules of procedure for the Conference. At its third session, the Committee agreed to recommend to the Conference the draft rules of procedure as contained in annex VI to the present report.

### Provisional agenda for the Conference

24. At its third session, the Committee adopted the provisional agenda as contained in annex VII to the present report. It also agreed to the proposed allocation of items to the Main Committees of the Conference as contained in annex VIII to the present report.

### Financing of the Conference

25. At its second session, the Committee took note of the estimated costs of the Conference, including its Preparatory Committee (NPT/CONF.2000/PC.II/1) and agreed to the schedule of division of costs. At its third session, the Secretariat provided the Committee with revised estimated costs contained in document NPT/CONF.2000/PC.III/24. The schedule of division of costs is contained in the appendix to the draft rules of procedure as contained in annex VI to the present report.

### Background documentation

26. At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare papers on various articles of the Treaty, taking into account the decisions on "Strengthening the Review Process for the Treaty, and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East", adopted in 1995.

27. The following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 NPT Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review Process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

28. Specifically, the Secretariat of the United Nations is asked to prepare documents on the following topics to reflect developments related to the implementation of the Treaty and the outcome of the 1995 Review and Extension Conference, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized:

(a) Implementation of the tenth preambular paragraph (comprehensive nuclear test ban), reflecting developments since the 1995 Review and Extension Conference;

(b) Implementation of articles I and II, drawing on the relevant discussions and results of all prior Review Conferences and taking into account recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by the IAEA on article III;

(c) Implementation of article VI, covering developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament;

(d) Implementation of article VII, addressing proposals for the establishment of nuclear-weapon-free zones where they have not yet been established;

(e) Developments regarding security assurances, dealing with both positive and negative security assurances and reflecting developments in the Conference on Disarmament and the United Nations and proposals within the ambit of the NPT;

(f) Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT, reflecting developments since 1995 with a view to realizing fully the objectives of the resolution;

(g) Realization of the goals of the Treaty in various regions of the world.

29. The Preparatory Committee also asks that the following be made available to the 2000 Review Conference:

(a) Documentation prepared by the IAEA regarding its activities relevant to articles III, IV and V;

(b) A memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) regarding its activities;

(c) A memorandum from the Secretariat of the South Pacific forum regarding its activities related to the Rarotonga Treaty;

(d) A memorandum from the Secretariat of the Organization of African Unity regarding its activities related to the Pelindaba Treaty; and

(e) A memorandum from the depositary of the Bangkok Treaty regarding its activities related to the Treaty.

### Final outcome of the Conference

30. The Preparatory Committee at its third session decided to have a general exchange of views focused on the expected outcome of the 2000 Review Conference.

31. In accordance with article VIII, paragraph 3, of the Treaty and taking into account the decisions and the resolution on the Middle East adopted by the 1995 Review and Extension Conference, in particular paragraph 7 of Decision 1, the Preparatory Committee recalled that the 2000 Review Conference, taking into account the work and reports of the Main Committees, should:

- Evaluate the results of the period which the 2000 Review Conference is reviewing, including the implementation of the undertakings of the States parties under the Treaty;
- Identify the areas in which and the means through which further progress should be sought in the future.

The 2000 Review Conference should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.

32. The 2000 Review Conference should examine the functioning of the review process itself, taking account of experience since 1995, and may wish to reflect appropriately the conclusions of the examination.

33. The 2000 Review Conference can also consider and adopt other outcomes.

34. The outcome should reaffirm the validity and importance of the decision on "Strengthening the Review Process for the Treaty", the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and the "Resolution on the Middle East" adopted by the 1995 Review and Extension Conference.

## IV. OFFICERS OF THE REVIEW CONFERENCE

35. At its third session, the Committee unanimously endorsed the candidacy of Mr. Jacob Selebi of South Africa for the presidency of the 2000 Review Conference.

36. Also at the third session, the Committee agreed to recommend that Main Committee I should be chaired by a representative of the Group of Non-Aligned and Other States (Colombia), Main Committee II should be chaired by a representative of the Group of Eastern European States (Poland) and that Main Committee III should be chaired by a representative of the Western Group (Finland).

37. The Committee also agreed to recommend that the post of Chairman of the Drafting Committee should be assumed by the representative of the Group of Eastern European States, and the post of Chairman of the Credentials Committee by a representative of the Group of Non-Aligned and Other States.

## V. APPOINTMENT OF THE SECRETARY-GENERAL OF THE REVIEW CONFERENCE

38. At its first session, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 2000 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, a nomination to be confirmed by the Conference itself. At its third session, the Committee was informed that, in response to that request, the Secretary-General of the United Nations, following consultations with the members of the Preparatory Committee, had nominated Mrs. Hannelore Hoppe, Department for Disarmament Affairs, as provisional Secretary-General of the Conference. The Committee took note of that nomination.

## VI. PARTICIPATION AT THE REVIEW CONFERENCE

39. The Committee also decided that invitations to States which, in accordance with the decision on participation, were entitled to participate in the Conference, as well as to the Secretary-General of the United Nations and the Director-General of the International Atomic Energy Agency, should be issued by the Chairman of the third session of the Preparatory Committee.

## VII. ADOPTION OF THE FINAL REPORT

40. The Preparatory Committee adopted its final report at its last meeting, on 21 May 1999.

# ANNEX I

## SUMMARY RECORDS OF THE MEETINGS OF THE THIRD SESSION OF THE PREPARATORY COMMITTEE

[To be distributed individually as NPT/CONF.2000/PC.III/SR.1-3 and 19]

# ANNEX II

## CHAIRMAN'S WORKING PAPER OF 14 MAY 1999

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/29
14 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## CHAIRMAN'S WORKING PAPER

1. The Preparatory Committee agreed on the following draft recommendations to the Review Conference:

1. Reaffirmation of commitment to the preamble and the articles of the Treaty.

2. Reaffirmation of conviction that the treaty is essential to international peace and security and recognition of the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

3. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

### Universality

4. Urgency and importance of achieving the universality of the Treaty; welcome the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187. Also urge all States not yet party to the Treaty as non-nuclear-weapon States to accede to the Treaty at the earliest possible date, particularly those States that operate unsafeguarded nuclear facilities.

5. Undertake to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts by States parties might include the enhancement of regional security.

## Non-proliferation

6. Reaffirmation that every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. Emphasize the particular importance attached to the strict observance of articles I and II.

7. Reaffirmation by non-nuclear-weapon States Parties to the Treaty of their commitments to the fullest implementation of Article II and to refrain from nuclear sharing with nuclear-weapon States, non-nuclear-weapon States, and States not party to the Treaty for military purposes under any kind of security arrangements.

8. Reaffirmation of the condemnation of the nuclear test explosions in South Asia in 1998 as stated in Security Council resolution 1172 and General Assembly resolution 53/77 G, and the importance of full compliance with each of the measures identified in those resolutions. Urge all States that have not yet done so to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions.

9. Reaffirmation of the integrity of the Article IX, paragraph 3 of the Treaty and the commitment of all State parties not to accord any status or recognition to additional States that possess nuclear-weapon capabilities.

10. Reaffirmation that the cessation of all nuclear testing will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the further enhancement of international peace and security.

## Nuclear disarmament

11. Reaffirmation of the commitment to fulfil with determination the obligations under article VI. Reaffirmation, in this context, by the nuclear-weapon States, of their unequivocal commitment to the ultimate elimination of nuclear weapons, and to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally. Declaration of commitment to the achievement of general and complete disarmament under strict and effective international control. Declaration that the achievement of nuclear disarmament and general and complete disarmament, necessitates the cooperation of all States.

12. Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Require that at an appropriate

stage the U.S. and the Russian Federation should be joined by the other nuclear-weapon States. Reaffirmation of the need to renew and revitalize this process, including accelerated efforts to ensure full implementation of the obligations under Article VI. Invite increased transparency by nuclear-weapon States on the dismantlement of tactical nuclear weapons.

13. Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States. Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States, to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to implement the Treaty's verification regime.

14. Reaffirmation of the need for the immediate commencement and the early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation. Welcome the establishment in August 1998 of an Ad Hoc Committee in the Conference on Disarmament for this purpose, and urge its immediate re-establishment.

15. Reaffirmation that the provisions of Article V of the Treaty with regard to peaceful nuclear explosions are to be viewed in the light of the Comprehensive Nuclear-Test-Ban Treaty.

## Nuclear-weapon-free zones

16. Welcome and support of the steps taken to conclude further nuclear-weapon-free zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned, enhances global and regional peace and security, as a measure towards the strengthening of the nuclear non-proliferation regime, and realizing the objectives of nuclear disarmament. Support of proposals for such zones as in the Middle East and South Asia. Welcome of the initiative taken by states in Central Asia to establish a nuclear-weapon-free zone in that region.

17. Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies. Welcome and support the report on the

establishment of nuclear-weapon-free-zones on the Basis of Arrangements Freely Arrived At Among the States of the Region Concerned, adopted by consensus by the Disarmament Commission on 30 of April 1999.

Security assurances

18. Reaffirmation of the view that further steps, which could take the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. Welcome the establishment in March 1998 of and Ad Hoc Committee in the Conference on Disarmament on Negative Security Assurances, and urge its immediate re-establishment.

Safeguards

19. Welcome and support the adoption, in May 1997, of the Model Protocol Additional to the existent safeguards agreements to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system; reaffirmation that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its Safeguards Agreements.

20. Reaffirmation that new supply arrangements for the transfer of sources or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon states should require as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

21. Support for the Agency's efforts to integrate safeguards measures arising from the Model Protocol Additional to existing Safeguards Agreements. Also urge all States that have Safeguards Agreements with IAEA to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540.

22. Urge the nuclear-weapon States to include in Additional Protocols to their voluntary safeguards agreements those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Protocol.

23. Urge all States parties required by article III of the Treaty which have not yet done so to conclude with the International Atomic Energy Agency a comprehensive Safeguards Agreement. Additionally call on all States not parties to the Treaty to accept IAEA comprehensive safeguards.

24. Urge all States to implement, to the extent possible, IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.3 and also urge all States parties to examine ways and means to strengthen the current regime.

Resolution on the Middle East

25. Recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference constituted an integral part of the package of the 1995 outcome, and reaffirmation of the firm commitment to work towards the full implementation of that resolution. Recognition, in this regard, of the special responsibility of the depositary States as co-sponsors of this resolution.

26. To take note that since the adoption of the 1995 Resolution on the Middle East all States of the region have become parties to the Treaty with the exception of Israel. To stress the urgent need for Israel to accede to the Treaty without further delay and to place all its nuclear facilities under full-scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

Peaceful uses of nuclear energy

27. Reaffirmation of the commitment to the full implementation of article IV of the Treaty and the commitment to cooperation between State parties in the field of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty and the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

28. Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.

29. Reaffirmation that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

30. Reaffirmation of the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance to ensuring a successful review process under the Nuclear Safety Convention and note the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as another contribution in this area.

31. Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end.

2. The following is a list of the specific proposals put forward by delegations for consideration by the Preparatory Committee on the understanding that the proposals are without commitment by the Preparatory Committee and without prejudice to the position of any delegation and that the list is not exclusive.

# ANNEX III

## PROPOSALS SUBMITTED BY DELEGATIONS CONCERNING THE CHAIRMAN'S WORKING PAPER

**Preparatory Committee for the 2000 Review**
**Conference of the Parties to the Treaty on**
**the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/26
18 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Working paper submitted by Malaysia

## Proposal for the Establishment of a High Level Consultation Mechanism

The High Level Consultation Mechanism hereby proposed would provide the highest political intervention to address specific issues, which would be decided by States parties at its annual Preparatory Committee meetings or its 5-yearly Review Conferences.

## High Level Consultation Meeting Towards Universality of the Treaty

### Introduction

There exists a need to find constructive and innovative ideas in order to actively promote the universality of the Treaty, the cornerstone of international peace and security. It is the responsibility of all NPT States parties to pursue activities aimed at the eventual universality of the Treaty.

Ongoing efforts regarding the promotion of universality are welcomed. There are, however, inevitable stumbling blocks which occasionally appear and are difficult to surmount. With this in mind, an appropriate mechanism should be sought in order to complement and support the existing efforts towards universality.

Ongoing dialogue with the four States still outside the Treaty (Cuba, India, Israel and Pakistan) would pave the way for accession to the Treaty when circumstances would allow. It would likewise engage these States in a systematic and constructive way, allowing all States parties to the NPT to actively participate in a process towards universality - to which all are committed. Indeed, if the international or respective regional situations were to deteriorate, it would be even more important to already have set in place a mechanism through which these States could discuss relevant issues with NPT States parties.

This mechanism could be useful at a time when the situations in the Middle East and South Asia are particularly difficult.

## High Level Consultation Meeting

Our delegation proposes that there should be an annual high-level meeting between representatives of the NPT States parties and the four countries still outside the Treaty. This interaction would be based on an understanding that ongoing consultation and dialogue is needed in order to resolve outstanding issues preventing these countries from acceding at an early date.

The interaction would necessarily be a reciprocal exchange of ideas and views regarding the possible membership of the four. In this engagement, States parties of the NPT would present arguments on the benefits of NPT membership. Likewise, the four would be asked to provide information to States parties on their needs and ideas regarding their possible membership in the Treaty. A "finger pointing" exercise assigning blame would be avoided at all costs. The goal would be to promote meaningful dialogue between NPT members and non-members.

Specifically, this would entail:

- A yearly invitation by the depository States of the NPT to the four non-States parties to discuss NPT-related concerns in a high-level forum;
- The meeting would be convened and chaired by the current Chairman of the respective PrepCom or RevCon;
- Participants would include the Depositary States, the three PrepCom Chairs, the RevCon Chair of the respective five-yearly cycle of the NPT review process, and the four non-States parties on an individual basis;
- Ideally, this consultation would take place within the three months preceding a PrepCom or RevCon;
- In the "off year" in which a PrepCom or RevCon did not take place, the Chairman of the previous RevCon would chair the meeting;
- Further details would be subject and open to suggestion and agreement by States parties.

It is acknowledged that each State outside of the Treaty has a unique political and security context, which would be appropriately taken into consideration in the consultation mechanism. This exercise would require the cooperation of all States parties to deliver a simple but coherent message - that the universality of the NPT is in the interest of every nation of the world.

If this mechanism were to receive the unanimous support of delegations at this meeting of States parties, we would recommend that discussions begin immediately to make the appropriate preparations to allow this consultation mechanism to convene as soon as possible, with a second one following in the beginning of 2000. Failing consensus at this meeting, we request that the Chairman of this Preparatory Committee recommend to the Chairman of the Review Conference, that this mechanism be submitted for adoption at the RevCon session in 2000. It would then enter into effect in 2001.

The proposed language, subject to refinement and agreement is as follows:

> "Realising the importance of preserving the integrity of the Treaty, and the urgency and importance of achieving the universality of the Treaty, the Third Preparatory Committee Meeting decides to establish a High Level Consultation Meeting Towards the Universality of the Treaty, and to report annually its progress to the future meetings of States parties of the Review Conference and Preparatory Committee meetings for consideration by States parties."

In the event that this proposal could not be agreed for adoption at this meeting, the appropriate language is proposed to be inserted in the Draft Chairman's Working paper as paragraph 5 bis as follows:

> "Realising the importance of preserving the integrity of the Treaty, and the urgency and importance of achieving the universality of the Treaty, the 2000 Review Conference decides to establish a High Level Consultations Meeting Towards the Universality of the Treaty, and to report annually its progress to the future meetings of States parties of the Review Conference and Preparatory Committee meetings for consideration by States parties."

Our delegation requests that this working paper be added to the list of official documents of this PrepCom.

# Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.III/27
18 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Proposals for inclusion in the Chairman's working paper

## Submitted by the Republic of Korea

The following wording to be included in the Chairman's working paper:

**Non-proliferation**

- Insert new paragraph as 7 bis

  "Recognize that the proliferation of nuclear weapons constitutes a threat to international peace and security as stated in the UN Security Council Presidential Statement of 31 January, 1992. Underline the necessity of strengthening an effective mechanism, including, inter alia, the role of the Security Council, aimed at ensuring full compliance with the obligations under the provisions of the NPT."

**Nuclear-Weapon-Free Zone**

- Add the following sentence at the end of paragraph 16

  "Emphasize the importance of the full implementation of the Joint Declaration of Denuclearization of the Korean Peninsula, which entered into force between the two Koreas on 19 February 1992."

**Safeguards**

- Insert new paragraph as 23 bis

  "Urge those States Parties to the IAEA full-scope Safeguards Agreements, which are not in compliance with the Agreements, to implement all obligations under the Agreements fully and unconditionally."

**Preparatory Committee for the 2000 Review**

**Conference of the Parties to the Treaty on**

**the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/30
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Comments on the Chairman's working paper of 14 May 1999

### Submitted by Australia

**Non-proliferation**

Paragraph 6

Add para 6 bis

Reaffirmation of the commitment by all Treaty Parties to full compliance with their Treaty obligations and recognition of the importance of full implementation of all relevant United Nations Security Council Resolutions.

**Nuclear Disarmament**

Add new para under this section, perhaps as para 12 bis

Expression of Treaty Parties' expectation that more fissile material will be transferred from military use to peaceful nuclear activities and be placed under IAEA safeguards by those States that have already initiated such transfers, and encourage other States with unsafeguarded inventories of fissile material to consider taking similar steps.

New para under this section or at the end of para 14

Welcome the announcements made by some NWS that they have ceased the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

**Peaceful Uses of Nuclear Energy**

Add after para 31

Recognition of the obligation of NPT States parties to ensure that their exports of nuclear items do not contribute to the proliferation of nuclear weapons or other nuclear explosive devices; and recognition that coordination of national policies to this end can contribute to the non-proliferation objectives of the

NPT and facilitate the fullest possible exchange of equipment, materials, and scientific and technical information for the peaceful uses of nuclear energy, in accordance with Article IV.

Welcome for the two International Seminars on the Role of Export Controls in Nuclear Non-Proliferation held in 1997 and 1999, as well as other ongoing efforts by nuclear suppliers to respond to the 1995 NPT Review and Extension Conference's call for the promotion of transparency in nuclear-export controls.

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/31
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Debate on Chairman's working paper

## Proposals submitted by Austria

### Paragraph 12

**Add on new last sentence:**

At the same time, invites increased transparency and information sharing by nuclear weapons States on possible as well as imminent security hazards, such as the overall security of existing nuclear weapons stocks of and impact of the Y-2-K-issue, and on other related areas of interest for the international community.

### Paragraph 13

Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States. Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to implement the Treaty's verification regime, including to provide the Preparatory Commission with the necessary financial means.

### Paragraph 21

Support for the Agency's efforts to integrate safeguards measures arising from the Model Protocol additional to existing Safeguards Agreements. Confirm that the conclusion of Additional Protocols pursuant to INFCIRC/540 is a requirement based on Article III paragraph 1 of the Treaty and therefore urge all States that have Safeguards Agreements with the IAEA to conclude as quickly as possible such Additional Protocols.

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/32
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Proposed amendment to the Chairman's working paper of 14 May 1999

### Submitted by Belarus

Amend paragraph 16 to read:

Welcome and support of the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned, enhances global and regional peace and security, as a measure towards the strengthening of the nuclear non-proliferation regime, and realizing the objectives of nuclear disarmament. Support of proposals for such zones as in the Middle East, **South Asia and Central and Eastern Europe**. Welcome of the initiative taken by States to establish a nuclear-weapon-free zone in that region.

# Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.III/33
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Proposal submitted by Belarus, Kazakhstan and Ukraine

The following elements are proposed to be included in section "Nuclear disarmament" after paragraph 12:

**Welcome the important contribution made by Belarus, Kazakhstan and Ukraine to the implementation of article VI of the Treaty through their significant measures in nuclear disarmament, in particular the voluntary decision to withdraw all tactical and strategic nuclear weapons from their territories, and taking note with satisfaction of the current efforts of those States to strengthen the Treaty through enhancing regional and global security.**

**Welcome the signing on 26 September 1997 by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America of a number of significant agreements that contribute to ensuring the viability of the Treaty on the Limitation of Anti-Ballistic Missile Systems.**

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/34
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Proposed amendments to the Chairman's working paper of 14 May 1999

Submitted by Belgium

Section on Non-proliferation

paragraph 7

Delete this paragraph.

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/35
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Nuclear-weapon-free zones

### Proposed by Brazil

Add paragraph 16 **bis**: "Recognition of the continuing contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the Southern Hemisphere and adjacent areas covered by those treaties from nuclear weapons."

Add paragraph 16 **ter**: "Re-affirmation of the importance of ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as of the continued work by all concerned States to facilitate adherence to the protocols to nuclear-weapon-free zones treaties by all relevant States that have not yet done so."

Paragraph 17 - Replace first sentence with: "Recognition of the commitment of States Parties to and signatories of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the NPT to promote the common goals envisaged in those treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free Southern Hemisphere and adjacent areas."

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/36
19 May 1999

ORIGINAL: ENGLISH

Third session
New York, 10-21 May 1999

## Proposals submitted by Canada

**Elements for inclusion in the draft Chairman's working paper:***

Welcoming the indefinite extension of that Treaty as decided at the 1995 Review and Extension Conference of the Parties to the Treaty;

Emphasizing that the preservation of the integrity of the Treaty and full compliance with its provisions are essential to international peace and security,

**Comments on Chairman's working paper of 14 May**

Paragraph 6

Delete the last phrase of the paragraph. (Canada agrees that Article I and II of the NPT are critical. That being said, we do not believe that articles of the Treaty should be graded)

Paragraph 8

In working paper PC.III/4, Canada has proposed specific paragraphs on substantive issues to be included in the final report of the Preparatory Committee, among which a section on Nuclear Tests. Canada would like the Preparatory Committee to address nuclear tests in the substantive part of its final report. As well, in working paper PC.III/2, Canada has proposed specific language to deal with the issue of the nuclear tests in South Asia. As the language that we proposed is very similar to paragraph 8 of the Chairman's working paper, Canada can support that paragraph.

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* The elements proposed above are also tabled in NPT/CONF.2000/PC.III/2, annex.

## Safeguards

The Chairman's proposals in paragraphs 19 to 24 are largely acceptable to Canada as they reflect the proposals we made on that topic in our working paper PC.III/2.

Canada supports the proposal put forward by Japan for a restructuring of the section on Safeguards. That being said, in our view paragraph 24 would be better placed in the section dealing with "Peaceful Uses of Nuclear Energy".

Canada has serious reservation regarding the proposal put forward by Luxembourg for the addition of a new sentence at the end of paragraph 21 which would read as follows: "For non-nuclear weapon States that are parties to such an additional Protocol, the export controls of the nuclear suppliers should be alleviated for the benefit of these recipient States".

Regarding the Austrian proposal on paragraph 21, Canada would like to draw the Chairman's attention to paragraph 13 of Canadian working paper PC.III/2 which also touches the same issue.

## Chairman's working paper
## Suggestions on the nuclear disarmament section

Note: Most suggestions are drawn from the Annex to the Canadian working paper distributed as NPT/CONF.2000/PC.III/2.

1. Paragraph 11, line 2: add "all States, especially" after "by". (Article VI includes two undertakings by all States party: see Canadian working paper PC.III/10.)

2. New paragraph 11 bis: "The achievement of the following programme of action is important for the full realization and effective implementation of Article VI:

> (A) The START Process should be renewed, accelerated and fully implemented. The reduction targets established by the Russian Federation and the USA for START II and START III should be achieved; further substantial reductions should be pursued. The other three nuclear-weapon States should become directly engaged in this process in the near future.
>
> (B) Additional measures (e.g. de-alerting; transparency; confidence-building) as regards nuclear weapons operations should also be pursued.
>
> (C) Measures to reduce the threats posed by tactical nuclear weapons - their numbers and their deployment - should be negotiated and implemented.
>
> (D) The earliest possible entry-into-force, drawing upon all measures consistent with international law, of the Comprehensive Nuclear-Test-Ban Treaty should be achieved. The rejection of nuclear weapon test explosions or any other nuclear explosions as established by this Treaty is reaffirmed.

(E) The early conclusion of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, as initiated within the Conference on Disarmament, should be pursued. Appropriate and effective measures to deal with stocks of fissile materials for nuclear weapons or other nuclear explosive devices should also be identified and implemented.

(F) The five nuclear-weapon States should formally affirm a moratorium on the production of such fissile material pending negotiation of the Treaty.

(G) Mechanisms should be devised both within the NPT context and within other relevant bodies such as the Conference on Disarmament for exchanges of information and the substantive discussion of nuclear disarmament issues with a view to exploring possibilities for further progress on nuclear disarmament through national, bilateral and multilateral initiatives.

3. Paragraph 12: replace the last three sentences with the following: "The START Process should be renewed, accelerated and fully implemented. The reduction targets established by the Russian Federation and the USA for START II and START III should be achieved; further substantial reductions should be pursued. The other three nuclear-weapon States should become directly engaged in this process in the near future. Additional measures [e.g. de-alerting; transparency; confidence-building] as regards nuclear weapons operations should also be pursued. Measures to reduce the threats posed by tactical nuclear weapons - their numbers and their deployment - should be negotiated and implemented."

4. Paragraph 13: support new final sentence proposed by New Zealand.

5. Paragraph 14: add at the end the following: "Pending the Treaty's entry into force, the States Parties urge all states to observe a moratorium on the production of fissile material for nuclear weapons and other nuclear explosive devices. Further, the five nuclear-weapon States should formally affirm a moratorium on the production of such fissile material. Appropriate and effective measures to deal with stocks of fissile materials for nuclear weapons or other nuclear explosive devices should also be identified and implemented." [First sentence based on New Zealand proposal.]

6. New paragraph 15 bis: "Mechanisms should be devised both within the NPT context and within other relevant bodies such as the Conference on Disarmament for exchanges of information and the substantive discussion of nuclear disarmament issues with a view to exploring possibilities for further progress on nuclear disarmament through national, bilateral and multilateral initiatives."

# Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.III/37
19 May 1999

ORIGINAL: **ENGLISH**

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Third session
New York, 10-21 May 1999

## Proposed elements to be included in Chairman's working paper

### Submitted by China

**In the Preambular part, add the following:**

**After paragraph 2:**

Reaffirmation that all States parties commit themselves to respect one another's sovereignty and territorial integrity, abide by the Charter of the United Nations and the norms governing international relations, oppose the use or threat of use of force against other countries under any pretext, and never resort to force in the international relations without the authorization from the United Nations Security Council.

**In the Nuclear Disarmament section, add the following:**

**Between paragraphs 11-12:**

Commitment to refrain from engaging in the research, development or deployment of outer space weapon systems and missile defense systems that undermine strategic security and stability.

Commitment by all the nuclear weapon States to renounce the nuclear deterrence policy characterized by "first use of nuclear weapons" and withdraw all the nuclear weapons deployed on foreign soil to their own territory.

Reaffirmation that the U.S.A. and the Russian Federation, bearing special responsibilities for nuclear disarmament, should continue to reduce drastically their respective nuclear arsenals.

**Between paragraphs 14-15:**

Recognition that the commencement, progress and conclusion of FMCT negotiations are closely related to the development of international peace and security.

In the Nuclear-weapon-free zone section, add the following:

**Between paragraphs 16-17:**

States parties to the current nuclear-weapon-free zones, if they are States parties to other international or regional agreements at the same time, should ensure that their adherence to those agreements does not entail any obligations contrary to the nuclear-weapon-free zone treaties.

Nuclear-weapon-free zones should constitute a geographical entity whose boundaries are to be clearly defined by prospective States parties to the nuclear-weapon-free zone treaty through full consultations with other States concerned, especially in cases where territories in dispute are involved, with a view to facilitating agreement of those States concerned.

In the Security Assurances section, add the following:

**Before paragraph 18:**

Commitment, without any condition, by all the nuclear weapon States not to be the first to use nuclear weapons, nor use or threaten to use nuclear weapons against non-nuclear-weapon States, and conclude international legal instruments to this effect.

In the Peaceful Uses of Nuclear Energy section, add the following:

**Between paragraphs 28-29:**

Reaffirmation that group export control regimes should be replaced by non-discriminatory and universally negotiated non-proliferation treaties.

Preparatory Committee for the 2000 Review
Conference of the Parties to the Treaty on
the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.III/38
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Comments on the Chairman's working paper of 14 May 1999

Submitted by the United Kingdom of Great Britain and Northern Ireland

Paragraph 4

Replace with

Urgency and importance of achieving the universality of the Treaty; welcome for the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187. Urge all States not yet party to the Treaty, Cuba, India, Israel and Pakistan, to accede to the Treaty as *non-nuclear weapon States* at the earliest possible date.

Paragraph 7

Delete this paragraph

Paragraph 8

Replace with

Reaffirmation of the views expressed concerning the nuclear test explosions in South Asia in 1998 in UNSCR 1172 and General Assembly Resolution 53/77 G. Welcome the declared moratoria on further testing by India and Pakistan and their declared intention to sign the CTBT. Urge them to accede to the NPT and CTBT without further delay or preconditions.

Paragraph 12

Replace with

Recognition of the progress achieved in nuclear weapons reductions by the nuclear weapons States, including those made unilaterally, such as by the UK in the SDR, or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Reaffirmation of the need to maintain this progress. Affirmation that at an appropriate stage, the US and the Russian Federation should be joined by the other NWS to ensure full implementation of the obligations under Article VI. Invite increased transparency by the NWS on the dismantlement of tactical nuclear weapons.

Paragraph 13

Add after "nuclear-weapon States"; "(France and the United Kingdom)"

Paragraph 14

Add after the last sentence "welcome the announcements made by some NWS that they have ceased the production of fissile material for use in nuclear weapons or other nuclear explosive devices".

Paragraph 16

Delete "as a measure towards the strengthening of the nuclear non-proliferation regime and" to end of sentence and replace by "strengthens the nuclear non-proliferation regime, and contributes towards realising the ..."

Paragraph 18

Insert the full title of the Ad Hoc Committee, "Ad Hoc Committee on effective international arrangements to assure non-nuclear weapon States against the use, or threat of use of nuclear weapons, and urges the ..."

Paragraph 20

There are a number of typographic errors. The paragraph should read:

Reaffirmation that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

Paragraph 21

Add "Welcome the signature of such agreements by 36 non-nuclear weapons States".

Paragraph 22

Add "Welcome the signature of such agreements by China, France, the United Kingdom and the United States of America."

Paragraph 25

Delete last sentence

Paragraph 26

Insert as paragraph 26 (bis)

Affirmation of importance of full compliance of all States parties to the NPT in the region with their obligations under the NPT: reaffirmation of need for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems

Paragraph 27

Delete "between States parties"

**Preparatory Committee for the 2000 Review**
**Conference of the Parties to the Treaty on**
**the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/39
19 May 1999

ORIGINAL: ENGLISH

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Third session
New York, 10-21 May 1999

## Amendments on draft Chairman's working paper

Submitted by Egypt

1. The Preparatory Committee agreed on the following draft recommendations to the Review Conference:

   1. Reaffirmation of commitment to the preamble and the articles of the Treaty **and to the outcome of the 1995 Review and Extension Conference of the NPT**.

   2. Reaffirmation of conviction that the treaty is essential to international peace and security and recognition of the crucial role **that full implementation of the Treaty would** have in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

   3. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty **and** of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the **Treaty** on the Non-Proliferation of Nuclear Weapons.

### Universality

   4. Urgency and importance of achieving the universality of the Treaty; welcome the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187. Also urge all States not yet party to the Treaty to accede to the Treaty **without any further delay**, particularly those States that operate unsafeguarded nuclear facilities.

**4 bis The conviction that the universal adherence to the NPT is an essential step towards strengthening barriers against the proliferation of nuclear weapons, and to this end urge Israel, the only State in the Middle East that is not yet a party to the Treaty and has not yet placed all its nuclear facilities under full scope IAEA safeguards, to accede to the Treaty without further delay and without prior conditions.**

5. Undertake to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts should include the enhancement of regional security, **particularly through committed and sustained efforts by all States party towards achieving universality of the Treaty in areas of tensions such as the Middle East where Israel remains the only State that has not yet acceded to the NPT.**

Non-proliferation

6. Reaffirmation that every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States party to the Treaty. Emphasize the particular importance attached to the strict observance of articles I and II, **both of which allow for no exceptions whatsoever, and are binding on them in times of peace as well as in times of war.**

7. Reaffirmation by non-nuclear-weapon States Party to the Treaty of their commitments to the fullest implementation of Article II and to refrain from nuclear sharing with nuclear-weapon States, non-nuclear-weapon States, and States not party to the Treaty for military purposes under any kind of security arrangements.

8. Reaffirmation of the condemnation of the nuclear tests in South Asia in 1998 as stated in Security Council resolution 1172 and General Assembly resolution 53/77 G, and the importance of full compliance with each of the measures identified in those resolutions. Urge all States that have not yet done so to become party to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without prior conditions.

**8 bis Expression of deep concern over the alarm expressed that Israel continues to operate unsafeguarded nuclear facilities and persists in pursuing ambiguous nuclear programs and policies. Urge Israel to become party to the Treaty on the Non-Proliferation of Nuclear Weapons without any further delay and without prior conditions.**

**8 ter Undertaking to suspend all forms and any kind of cooperation or assistance which would contribute to the nuclear program of Israel. Declaration of the commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or assistance, in the nuclear, scientific or technological fields to Israel, as long as**

**it remains a non-party to the Treaty and has not placed all its nuclear facilities under the full-scope IAEA safeguards.**

9. Reaffirmation of the integrity of the Article IX, paragraph 3 of the Treaty and the commitment of all States parties not to accord any status or recognition to additional States that possess nuclear weapon capabilities. **Reaffirmation also, towards the attainment of this objective, of the commitment of all States parties to prohibit completely the transfer or sharing of all nuclear related equipment, information materials, facilities, resources or devices or the extension of scientific and technical assistance in the nuclear field to States non-party to the Treaty, without exception.**

10. Reaffirmation that the cessation of all nuclear testing will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the enhancement of international peace and security.

Nuclear disarmament

11. Reaffirmation of the commitment to fulfil with determination the obligations under article VI. Reaffirmation, in this context by the nuclear-weapons States, of their faithful commitment to the ultimate elimination of nuclear weapons, and their means of delivery, and to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons, globally **and regionally**. (**delete** - *Declaration of commitment to the achievement of general and complete disarmament under strict and effective international control*). Declaration that the achievement of nuclear disarmament and general and complete disarmament necessitates the cooperation of all States, **and in particular the nuclear-weapon States.**

**11 bis Urge the Conference on Disarmament to establish an ad-hoc committee under item 1 of its agenda with a negotiating mandate to address nuclear disarmament.**

12. Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Require that at an appropriate stage the US and the Russian Federation should be joined by the other NWS. **Reaffirmation of the need to accelerate efforts to ensure full implementation of the obligations under Article VI, which would in turn assist to renew and revitalize the process of nuclear disarmament.** Invite increased transparency by NWS on the dismantlement of tactical nuclear weapons.

13. Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with Article XIV of the Treaty ensures its

entry into force, to sign and ratify the Treaty. Welcome of the ratification that have taken place so far, including those by **France and the United Kingdom**. Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty in particular to its efforts to implement the Treaty's verification regime.

14. Reaffirmation of the need for the immediate commencement and the early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the **report** of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. Such a treaty would be an essential measure of non-proliferation. Welcome the establishment in August 1998 of Ad Hoc Committee in the Conference on Disarmament for this purpose **under item 1 of its agenda "Cessation of Nuclear Arms Race and Nuclear Disarmament"**, and urge its immediate reestablishment.

15. Reaffirmation that the provisions of Article V of the Treaty with regard to peaceful nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear Test Ban Treaty.

Nuclear-weapon-free zones

16. Welcome and support of the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned, enhances global and regional peace and security, as a measure towards the strengthening of the nuclear non-proliferation regime, and realizing the objectives of nuclear disarmament. Support of proposals for the **establishment of these zones where they do not yet exist, such as in** the Middle East and South Asia. Welcome of the initiative taken by States in Central Asia to establish a nuclear-weapon-free zone in that region. Welcome the declaration by Mongolia of its nuclear-weapon-free status.

**16 bis Welcome the consensus reached in the United Nations General Assembly since its thirty-fifth session that the establishment of a Nuclear-Weapon-Free Zone in the Middle East would greatly enhance international peace and security. Urge all States directly concerned to consider seriously taking the practical and urgent steps required for the establishment of a NWFZ in the Middle East as a first step towards the establishment in the same region of a zone free from all weapons of mass destruction.**

17. Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies. Welcome and support the report on the

establishment of nuclear-weapon-free zones on the Basis of Arrangements Freely Arrived at Among the States of the Region Concerned, adopted by consensus by the Disarmament Commission on 30 April 1999.

**INSERT**

### 1995 Resolution on the Middle East

- **Reaffirmation of the provisions of the Resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, and reaffirmation of the determination to work diligently towards its speedy implementation.**

- **Recognition that since the adoption of the 1995 resolution on the Middle East, Djibouti, Oman and the UAE have become parties to the Treaty. Expression of deep concern that Israel continues to be the only State in the region which has not yet acceded to the Treaty and refuses to place all its nuclear facilities under the full-scope safeguards of the IAEA.**

- **Call upon Israel to acceded to the Treaty and to place all its nuclear facilities under the full-scope IAEA safeguards without further delay and without conditions.**

- **Undertaking by States parties to extend fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East of a zone free from nuclear weapons as an important prior step towards the establishment of a zone free from all weapons of mass destruction.**

### Security assurances

18. Reaffirmation of the view that further steps, which **should** take the form of an international legally binding instrument, should be **negotiated and concluded** to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. Welcome the establishment in August 1998 of an Ad Hoc Committee in the Conference on Disarmament on Negative Security Assurances and urge its immediate reestablishment.

### Safeguards

19. Welcome and support the adoption, in May 1997, of the Model Protocol Additional to the existent safeguards agreements to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system; reaffirmation that the IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its Safeguards Agreements.

20. Reaffirmation that new supply arrangements for the transfer of sources or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of special

fissionable material to non-nuclear-weapons States should require as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

21. Support of the Agency's efforts to integrate safeguards measures arising from the Model Protocol additional to existing Safeguards Agreements. Also urge all States that have Safeguards Agreements with IAEA to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540.

22. Urge the nuclear-weapon States to include in Additional Protocols to their voluntary safeguards agreements those measures which have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Protocol.

23. Urge all States parties required by Article III of the Treaty, which have not yet done so, to conclude with the International Atomic Energy Agency a comprehensive Safeguards Agreement. Additionally call on all States not parties to the Treaty to accept IAEA **Fullscope** Safeguards.

24. Urge all States to implement, to the extent possible, IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.3 and also urge all States parties to examine ways and means to strengthen the current regime.

**(Former Section on 1995 resolution on the Middle East)**

Peaceful uses of nuclear energy

27. Reaffirmation of the commitment to the full implementation of Article IV of the Treaty and the commitment to cooperation between States parties in the field of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty and the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.

28. Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.

29. Reaffirmation that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the respect of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations, **particularly those under Chapter VII.**

30. Reaffirmation of the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance to ensuring a successful review process under the Nuclear Safety Convention and note the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as another contribution in this area.

31. Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end.

2. The following is a list of (delete - *the*) specific proposals put forward by delegations for consideration by the Preparatory Committee on the understanding that the proposals are without commitment by the Preparatory Committee and without prejudice to the position of any delegation and that the list is not conclusive.

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Third session
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## Comments on the Chairman's working paper of 14 May 1999

### Submitted by France

- **Paragraph 3**: amend the second part of the sentence: "(...) *and reaffirm the importance of the decisions* (...)".

- **Paragraph 4**: quote the names of the States non-parties to the Treaty: "*Cuba, India, Israel and Pakistan*" and reorder part of the second sentence: "*Also urge all States not yet party to the Treaty to accede to the Treaty as non-nuclear weapon States at the earliest possible date* (...)".

- **Paragraph 7**: refers to article II and to NNWS. Adds a new commitment, which goes beyond article II (*no nuclear sharing with the NWS*). Should be deleted (the importance of the strict observance of article II being mentioned in paragraph 6).

- **Paragraph 8**: should be redrafted in a more constructive and forward-looking way with references to the implementation of UNSCR 1172:

"*Affirmation of the importance of full implementation of all the provisions of UNSCR 1172 adopted after nuclear tests were conducted in South Asia. Notes that the States concerned have declared moratoriums on further testing and have said that they are willing to enter into legal commitments not to conduct any further nuclear tests and reiterate the need for such legal commitments to be expressed in legal form by signing and ratifying the nuclear CTBT*".

- the last sentence is redundant with paragraph 4 and thus should be deleted.

- **Paragraph 9**: should be redrafted in a clearer way (what is the meaning of "*any status and recognition*"?): "*any additional nuclear weapon-State*".

- **Paragraph 10**: should refer to the CTBT in the following way:

*"Reaffirmation of the crucial importance of the CTBT for global efforts toward nuclear non-proliferation and nuclear disarmament and that the cessation of all nuclear weapon test explosion or any other nuclear explosion (...)".*

- **Paragraph 11**:

- 1st sentence: replace "unequivocal" by *"faithful"*, *"firm"* or *"determined* [wording from the 1995 P&O]".

- Replace in sentence 3 *"declaration of commitment to the achievement (...)"* by *"reaffirmation, also, of commitment to the achievement (...)"*: this commitment is already ours.

- **Paragraph 12**: 2nd sentence: delete.

- **Paragraph 13**:

- 2nd sentence: quote France and the UK.
- 3rd sentence: the legal consequences of this sentence are not clear.
- 4th sentence: replace "to *implement the Treaty's verification regime*" by *"to establish the Treaty's verification regime"*.

- **Paragraph 16**:

- amend second sentence, by deleting *"South Asia"* and adding *"where there exists a consensus among the States of the region concerned, such as the Middle East and Central Asia"* (there is no agreement in South Asia for such a zone). Delete by way of consequence the last sentence.

- Add a reference to the recent signature/ratification by *NWS* of relevant protocols of **NWFZ Treaties (Rarotonga, Pelindaba)**.

- **Paragraph 18**: add a reference to UNSCR resolution 984: *"Stresses the importance of the declarations by the NWS and the UNSCR 984, adopted unanimously on 11 April 1995, concerning both negative and positive security assurances"*.

- **Paragraph 19**: second part: should be further clarified.

- **Paragraph 22**: add after NWS *"which have not yet done so"*.

- **Paragraph 25, Paragraph 26**: both need to be improved.

- **Paragraph 30**: the last part of the last sentence is too weak. Should be replaced by: *"welcome the adoption of and urge all States to adhere to the Joint Convention ..."*.

- **Additions to the paper**:

The following items should be added:

1) In the "Nuclear disarmament" section

- in paragraph 12: *welcome the significant unilateral reduction measures taken by France and the UK.*

- after paragraph 13:

*welcome, in the context of the implementation of the CTBT, the dismantlement by France of its nuclear test site.*

- after paragraph 14:

*underlines the importance of the dismantlement of weapon-grade fissile material production facilities, as done by France.*

2) In the "Safeguards" section:

- *underline the importance of the conclusions of the Moscow Summit on Nuclear Safety and Security of 19 and 20 April 1996 and initiatives stemming from it, notably the AIDA-MOX programme implemented by France, Germany, Italy and the Russian Federation for the safe and effective management of Russian excess weapons-grade plutonium.*

3) In the "Peaceful Uses of nuclear energy" section:

- between paragraph 27 and paragraph 28: *reaffirm the need for efficient export controls, precondition for a trustful nuclear trade, and welcome transparency efforts in that field.*

- *welcome the agreement reached in December 1997 among a group of nine countries on a set of guidelines for the management of plutonium in all peaceful nuclear activities.*

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## Proposed element to be included in the Chairman's working paper

### Submitted by Turkey

In the Peaceful Uses of Nuclear Energy Section, paragraph 31 should read:

"Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end, inter alia, review of the Convention on the physical protection of nuclear materials at the earliest possible time, with the aim of strengthening and broadening its scope."

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## Proposal submitted by Ireland

Replace paragraph 9 in the Chairman's paper by the following:

- Reaffirm that - in accordance with Article IX - States not currently States parties may only accede to the Treaty as non-nuclear-weapon States.

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## Chairman's working paper

## Proposals submitted by Japan

### Safeguards

19. Reaffirmation that International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with its Statute and its safeguards system, compliance with Safeguards Agreements;

20. Urge all States parties which have not yet done so to conclude a comprehensive Safeguards Agreement with the IAEA, as required by Article III of the Treaty;

21. Call on all States not party to the Treaty to accept comprehensive IAEA safeguards;

22. Welcome and support the adoption, in May 1997, of the Model Protocol Additional to existent Safeguards Agreements (laid down in document INFCIRC/540), designed to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system as a contribution to global non-proliferation objectives;

23. Urge all States that have not yet done so to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540; urge the nuclear-weapon States to include in their Additional Protocols those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Additional Protocol;

24. Reaffirmation that new supply arrangements for the transfer of source or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon states should require as a necessary precondition adherence to the Treaty and acceptance of full-scope IAEA safeguards;

25. Support for the Agency's efforts to integrate safeguards measures arising from the Model Additional Protocol with the traditional safeguards measures, so as to achieve the optimum effectiveness and efficiency of the safeguards system;

26. Urge all States to implement, to the extent possible, the IAEA recommendations on the physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.4 and also urge all States parties to examine ways and means to strengthen the current regime.

1. Non-proliferation

(1) New paragraph 7 bis (Non-proliferation)

Insert the following new paragraph 7 bis:

"Reaffirmation of the concern of the States Parties with the cases of non-compliance of the Treaty by two States Parties which demand the close attention and effective response of the States Parties of the NPT."

(2) Amendment to paragraph 8 (Nuclear test explosions in South Asia)

Change the word "compliance with" in the third line to "implementation of."

2. Nuclear disarmament

(1) Amendment to paragraph 12 (START etc.)

(a) Insert the following new second sentence:

"Call for the early entry into force of the START II and the early commencement and conclusion of the START III negotiations."

(b) Add the following elements to this paragraph (or insert them in a new separate paragraph) as further measures of nuclear disarmament by the nuclear weapon states in addition to the measures already mentioned in paragraph 12:

(i) further efforts by the five nuclear weapon states to reduce their nuclear arsenals unilaterally and through their negotiations;

(ii) further efforts in dismantlement of nuclear weapons and safe and effective management of the resultant fissile materials; and

(iii) de-targeting nuclear warheads and taking nuclear forces off-alert including the removal of nuclear warheads from delivery vehicles.

(2) Amendment to paragraph 14 (FMCT)

Add the following point:

"Desirability of collective declaration by the nuclear-weapon states of a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices; and the promotion, in parallel with an FMCT negotiations, of the transparency in such fissile materials, especially those in surplus."

(3) New paragraph 14 bis (Multilateral discussions)

Insert the following new paragraph 14 bis:

"Multilateral discussions on possible future steps on nuclear disarmament and nuclear non-proliferation."

3. Safeguards

(1) Amendment to paragraph 21 (Additional Protocol of IAEA)

Replace second sentence with the following:

"Urge all states which have not yet done so to conclude, as quickly as possible, Safeguards Agreement with IAEA and Additional Protocol pursuant to INFCIRC/540."

4. Peaceful uses of nuclear energy

(1) New paragraph 28 bis (Export Control)

Insert the following new paragraph 28 bis:

"Welcome the increased transparency in nuclear related export control regime and reaffirm the need to continue to promote it within the framework of dialogue and cooperation among all interested States Parties to the Treaty."

(2) Amendment to paragraph 30 (Nuclear Safety)

Add the following new sentence to this paragraph:

"Appeal to those states which did not sign and/or ratify these two Conventions to do so as early as possible."

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## Amendments to the Chairman's working paper of 14 May 1999

### Proposed by Kenya

**Paragraph 18**

Replace the word "view" with "need", and delete the words "which could".

Reaffirmation of the ***need*** to take steps in the form of an international legally binding instrument to assure non-nuclear weapon States Party to the Treaty against the use or threat of use of nuclear weapons. Welcome the establishment in March 1999 of an Ad Hoc Committee in the Conference on Disarmament on Negative Security Assurances and urge its re-establishment.

**Paragraph 28**

Insert in the middle of the paragraph, the sentence in bold italics as indicated below. This additional sentence is wholly derived from Article IV of the Treaty.

Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical co-operation in the development of the applications of nuclear energy for peaceful purposes, and ***with due consideration for the needs of the developing areas of the world,*** call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical co-operation, safeguards and nuclear safety.

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## Chairman's working paper

## Proposals submitted by Sweden

**Paragraph 11:**

Replace the second sentence with:

"Call upon the nuclear-weapon States to demonstrate an unequivocal commitment to the speedy and total elimination of their respective nuclear weapons and, without delay, to pursue in good faith and bring to a conclusion negotiations leading to the elimination of these weapons, thereby fulfilling their obligations under Article VI of the Treaty."

**Paragraph 12:**

Insert before the last sentence:

"Call upon the nuclear-weapon States to pursue vigorously the reduction of reliance on non-strategic nuclear weapons and negotiations on their elimination as an integral part of their overall nuclear disarmament activities."

**After paragraph 12:**

Insert a new paragraph, a paragraph 12 bis:

"Stressing the importance of de-alerting and de-activating nuclear weapons, which would help prevent inadvertent, accidental or unauthorized launches and create beneficial conditions for continued disarmament efforts."

**Paragraph 18:**

Replace the whole paragraph with:

"Agreement that legally binding security assurances within the NPT frame-work would strengthen the nuclear non-proliferation regime. Pending the achievement of an international legally binding agreement on negative security assurances, it is imperative that the nuclear-weapon States scrupulously observe their unilateral commitments in this field."

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## Amendments to the Chairman's working paper

### Proposed by Luxembourg

Under the heading safeguards, paragraph 21, page 4, add, after the last sentence, the following new sentence:

For non-nuclear weapon States that are parties to such an additional Protocol, the export controls of the nuclear suppliers should be alleviated for the benefit of these recipient States.

Add a new sentence at the end of paragraph 30:

Urge all States that have not yet done so to accede to these Conventions at the earliest possible date, particularly those States that operate nuclear installation.

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## Proposals to the Chairman's working paper

### Submitted by Mexico

**In the preambular part:**

**Paragraph 1 bis:**

Reaffirmation that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

**Paragraph 3 bis:**

Affirmation that all the articles of the Treaty on the Non-Proliferation of Nuclear Weapons are binding on all States parties and at all times and in all circumstances.

**In the section on non-proliferation:**

**Paragraph 10 (add at the end):**

... and expressing that the qualitative development of nuclear weapons is contrary to the spirit and objectives of the Comprehensive Nuclear-Test-Ban Treaty.

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## Proposal for the Chairman's working paper

### Submitted by Mongolia

### Nuclear-weapon-free zones

Add par. **17bis:** "Welcome the declaration by Mongolia of its nuclear-weapon-free status, as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions, as a concrete contribution to promoting the aims of nuclear non-proliferation."

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## Proposals for the Chairman's working paper

### Submitted by Myanmar

### Nuclear Disarmament

| | | |
|---|---|---|
| Insert a new para | - | All States Parties reaffirm their unequivocal commitment to the goal of a speedy and total elimination of nuclear weapons. |
| Replace para 11 with a new para | - | The States Parties also reaffirm their commitment to fulfil with determination their obligations under Article VI, particularly by the Nuclear Weapons States to pursue in good faith and bring to a conclusion negotiations on effective measures for nuclear disarmament in all its aspects under strict and effective international control.<br>[Last sentence remains as it is.] |

### Security assurances

Replace para 18 with a new para

The States Parties reaffirm their conviction that the total elimination of nuclear weapons is the only genuine guarantee for non-nuclear weapon states against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, an international legally-binding instrument on a security assurances regime which will ensure the security of non-nuclear weapon states against the use or threat of use of nuclear weapons must be urgently concluded.

The States Parties recognize that, by renouncing voluntarily their nuclear option, the non-nuclear weapon States Parties to the Treaty are entitled to receive legally-binding security assurances from the Nuclear Weapon States not to use or threaten to use nuclear weapons against them.

The States Parties reaffirm their firm commitment to take further steps which should take the form of an internationally and legally binding instrument to assure non-nuclear weapon States Parties to the Treaty against the use or threat of use of nuclear weapons.

[Last sentence remains as it is.]

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## Proposed amendments to the Chairman's working paper of 14 May 1999

### Submitted by the Netherlands

### Section on Non-proliferation

paragraph 6

Delete final sentence ("Emphasize ... of articles I and II")

paragraph 7

Amend paragraph 7 to read: "Reaffirmation by all States Parties to the Treaty of their commitment to the full implementation of Articles I and II".

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## Proposals for the Chairman's working paper of 14 May 1999

### Submitted by New Zealand

**Paragraph 8**

Add the following after first sentence:

**The States parties note that the States concerned have declared moratoriums on further testing and have said that they are willing to enter into legal commitments not to conduct any further nuclear tests and reiterate the need for such legal commitments to be expressed in legal form by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty.**

Split paragraph after proposed insertion, making new paragraph for existing second sentence of paragraph 8, "Urges ... ", taking into account South African amendments.

**Paragraph 13**

13. Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States. Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to implement the Treaty's verification regime. **Pending the Treaty's entry into force, the States parties call on those States that have not yet done so to observe a moratorium on nuclear tests.**

**Paragraph 14**

14. Reaffirmation of the need for the immediate commencement and the early conclusion of negotiations on a non-discriminatory and universally applicable

convention banning the production of fissile material for nuclear weapons or other nuclear devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation. Welcome the establishment in August 1998 of an Ad Hoc Committee in the Conference on Disarmament for this purpose, and urge its immediate reestablishment. **Pending the Treaty's entry into force, the States parties urge all States concerned to observe a moratorium on the production of fissile materials for nuclear weapons and other nuclear explosive devices.**

### Paragraph 17

17. Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok **in promoting the nuclear-weapon-free status of the Southern Hemisphere and adjacent areas, and to** cooperation among their respective Treaty agencies. Welcome and support for the report on the establishment of nuclear-weapon-free-zones on the Basis of Arrangements Freely Arrived At Among the States of the Region Concerned, adopted by consensus by the Disarmament Commission on 30 of April 1999.

Insert the following paragraph:

**17*bis*. Urge all nuclear-weapon States that have not yet done so to ratify the Protocols to the nuclear-weapon-free zone treaties.**

### Paragraph 30

Insert the following paragraph:

**30*bis*. Affirmation that it is in the interests of all States that the maritime transportation of irradiated nuclear fuel, plutonium and high-level waste be conducted in compliance with international standards of safety and security. Call on those directly engaged in the maritime transportation of such radioactive materials to continue to provide information, consistent with safety and security requirements, about the timing, route and liability arrangements to States in the vicinity of such shipments.**

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## Proposals for the Chairman's working paper of 14 May 1999

### Submitted by the Russian Federation

Paragraph 4

In the last but one line to place the words "as non-nuclear-weapon States" after the words "the Treaty".

Paragraph 12

Delete the last sentence.

Paragraph 21

In the first line after the words "Support of the Agency's efforts" include the words "made to strengthen the effectiveness and improve efficiency of the IAEA safeguards system and".

In the section "Peaceful uses of nuclear energy"

Introduce new paragraph:

28bis. The States parties deem it necessary to resolve the questions of enhancing the safety of nuclear power on the basis of new, inherently safe nuclear-power technologies. In this connection, the States parties propose the elaboration, under the auspices of IAEA, of an international project on the consideration of the possibility of creating such nuclear technologies which would ensure that energy is obtained with minimal risk from the point of view of non-proliferation.

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## Comments on draft Chairman's working paper

### Submitted by South Africa

1. The Preparatory Committee agreed on the following draft recommendations to the Review Conference:

   1. Reaffirmation of commitment to the Preamble and the Articles of the Treaty.

   2. Reaffirmation of conviction that the Treaty is essential to international peace and security and recognition of the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

   **2.1 Recalling that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and that these undertakings have been made in the context of the corresponding legally binding commitments by the nuclear-weapon States of nuclear disarmament.**

   **2.2 Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control.**

   3. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on "Principles and Objectives for Nuclear Non-proliferation and Disarmament" and on the "Strengthening the Review Process for the Treaty" as well as the "Resolution on the Middle East" adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

### Universality

4. Urgency and importance of achieving the universality of the Treaty; welcome the accession of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187. Also urge all States not yet party to the Treaty **[as non-nuclear-weapon States]** to accede to the Treaty **as non-nuclear-weapon States** at the earliest possible date **without condition or delay and to take all the necessary measures which flow from adherence to the Treaty**, particularly those States that operate unsafeguarded nuclear facilities.

5. Undertake to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts might include the enhancement of regional security.

### Non-proliferation

6. Reaffirmation that every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. Emphasize the particular importance attached to the strict observance of Articles I and II.

**6.1 Reaffirmation by the nuclear-weapon States of their commitments to the fullest implementation of Article I and to refrain from nuclear sharing with nuclear-weapon States, non-nuclear weapon States, and States not party to the Treaty for military, and other nuclear explosive, purposes under any kind of arrangements.**

7. Reaffirmation by non-nuclear-weapon State parties to the Treaty of their commitments to the fullest implementation of Article II and to refrain from nuclear sharing with nuclear-weapon States, non-nuclear weapon States, and States not party to the Treaty for military, and other nuclear explosive, purposes under any kind of **[Delete -- Security]** arrangements.

8. Reaffirmation of the condemnation of the nuclear test explosions in South Asia in 1998 as stated in Security Council resolution 1172 and General Assembly resolution 53/77 G, and the importance of full compliance with each of the measures identified in those resolutions. Urge **those States and** all **other** States that have not yet done so to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without condition.

9. Reaffirmation of the **[Delete** -- integrity of the Article IX, paragraph 3 of the Treaty and the commitment] **determination** of all State parties not to accord any status or recognition to additional States that possess nuclear weapon capabilities.

**9.1 Reiteration of the call on those States which possess the capabilities to produce nuclear weapons and which have not yet acceded to the NPT to reverse clearly and urgently the pursuit of all nuclear-weapon development or deployment, and to refrain from any action which could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.**

10. Reiteration of the conviction that the cessation of all nuclear testing will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the further enhancement of international peace and security.

## Nuclear disarmament

11. Reaffirmation of the commitment to fulfil with determination the obligations under Article VI. Reaffirmation, in this context, by the nuclear-weapon States, of their unequivocal commitment to the ultimate elimination of nuclear weapons and, to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear **weapons [Delete --** *globally]*. *Declaration of commitment to* the achievement of general and complete disarmament under strict and effective international control. Declaration that the achievement of nuclear disarmament and general and complete disarmament necessitates the cooperation of all States.

**11.1 Recognition that there are a number of practical steps that the nuclear-weapon States can and should take immediately before the actual elimination of nuclear arsenals and the development of requisite verification regimes take place:**

- **(a)** **[Previously paragraph 12]** Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally, under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. **Call upon the United States and the Russian Federation to bring START II into force without delay and immediately thereafter to proceed with negotiations on START III with a view to its early conclusion [Move** to 11.1 *(c)* -- Require that at the appropriate stage the United States and the Russian Federation should be joined by the other NWS.] **[Move to 11.1 (b)** -- Reaffirmation of the need to renew and revitalize this process, including accelerated efforts to ensure full implementation of the obligations under Article VI.] **[Move to 11.1 (d)** -- Invite increased transparency by NWS on the dismantlement of tactical nuclear weapons.]

- (b) Reaffirmation of the need to renew and revitalize **the START [Delete** -- this] process, including accelerated efforts to ensure full implementation of the obligations under Article VI.

**Reaffirmation of the call upon the nuclear-weapon States to demonstrate an unequivocal commitment to the speedy and total elimination of their respective nuclear weapons, and without delay to pursue in good faith and bring to a conclusion negotiations leading to the elimination of these weapons.**

(c) Require that at the appropriate stage the United States and the Russian Federation should be joined by the other NWS **in a seamless process leading to the total elimination of nuclear weapons.**

(d) **Reaffirm the need for the nuclear-weapon States to pursue vigorously the reduction of reliance on non-strategic nuclear weapons and negotiations on their elimination as an integral part of their overall nuclear disarmament activities.** Invite increased transparency by NWS on the dismantlement of tactical nuclear weapons.

(e) **Proceed as an interim measure to the de-alerting of their nuclear weapons and, in turn, to the removal of nuclear warheads form delivery vehicles.**

(f) **Examine further interim measures, including measures to enhance strategic stability and accordingly to review strategic doctrines.**

**11.2 Achievement of the following measures is important in the full realisation and effective implementation of Article VI, including the programme of action as reflected below:**

(a) **[Previously paragraph 13]** Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty **unconditionally and without delay**. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States. Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Bank Treaty, in particular to its efforts to establish the Treaty's verification regime.

(b) **[Previously paragraph 14]** Reaffirmation of the need for the immediate commencement and the early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation. Welcome the establishment in August 1998 of an Ad Hoc Committee in the Conference on Disarmament for this purpose **under Item 1 of its Agenda "Cessation of Nuclear Arms Race and Nuclear Disarmament"** and urge its immediate reestablishment.

(c) **Establishment of a subsidiary body to Main Committee I of Review Conferences, and the provision of specific time at all future meetings of Preparatory Committees, for a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons.**

(d) **Establishment of an appropriate subsidiary body to deal with nuclear disarmament at the Conference on Disarmament and, to that end, to pursue as a matter of priority its intensive consultations on appropriate methods and approaches with a view to reaching such a decision without delay.**

11.3 **Affirm that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.**

12-14 **[Paragraphs 12 to 14 included under paragraphs 11.1 and 11.2 above]**

15. Reaffirmation that the provisions of Article V of the Treaty with regard to peaceful nuclear explosions are to be viewed in the light of the Comprehensive Nuclear-Test-Ban Treaty.

Nuclear-weapon-free zones

16. Welcome and support of the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned, enhances global and regional peace and security, as a measure towards the strengthening of the nuclear non-proliferation regime, and realizing the objectives of nuclear disarmament. Support of proposals for these zones in parts of the world where they do not exist, such as the Middle East and South Asia. Welcome of the initiative taken by States in Central Asia to establish a nuclear-weapon-free zone in that region. **Welcome the declaration by Mongolia of its nuclear-weapon-free status.**

16.1 **Emphasise the importance of existing nuclear-weapon-free zone treaties and of the signature and ratification of these treaties and of the relevant Protocols.**

17. Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies. **[Delete** -- Welcome and support the report

on the establishment of nuclear-weapon-free zones on the Basis of Arrangements Freely Arrived At Among the States of the Region Concerned, adopted by consensus by the Disarmament Commission on 30 April 1999.]

## Security assurances

18. Reaffirmation of the view that [**Delete** -- further] steps, [**Delete** -- which could take] **taking** the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. **Note** [**Delete** -- Welcome] the establishment in March 1998 of an Ad Hoc Committee in the Conference on Disarmament on Negative Security Assurances.

18.1 **Consideration by the 2000 Review Conference of a treaty on security assurances or a protocol to the NPT on security assurances with a view to its early adoption and signature.**

## Safeguards

19. Welcome and support the adoption, in May 1997, of the Model Protocol Additional to the existent safeguards agreements to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system; reaffirmation that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its Safeguards Agreements.

20. Reaffirmation that new supply arrangements for the transfer of sources or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments not to acquire nuclear explosive device.

21. Support for the Agency's efforts to integrate safeguards measure arising from the Model Protocol Additional to existing Safeguards Agreements. Also urge all States that have Safeguards Agreements with IAEA to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540.

22. Urge the nuclear-weapon States to include in Additional Protocols to their voluntary safeguards agreements those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Protocol.

23. **Urge all States parties required by Article III of the treaty which have not yet done so to conclude with the International Atomic Energy Agency a comprehensive Safeguards Agreement. Additionally call on all**

States not parties to the Treaty to accept IAEA comprehensive safeguards.

24. Urge all States to implement, to the extent possible, IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.3 and also urge all States parties to examine ways and means to strengthen the current regime.

24.1 **Placement of nuclear fissile material transferred from military use to peaceful nuclear activities under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States.**

## The Resolution on the Middle East

25. Recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference constituted an integral part of the package of the 1995 outcome, and reaffirmation of the firm commitment to work towards the full implementation of that resolution. Recognition, in this regard, of the special responsibility of the depositary States as cosponsors of this resolution.

26. To take note that since the adoption of the 1995 Resolution on the Middle East all States of the region have become parties to the Treaty with the exception of Israel. To stress the urgent need for Israel to accede to the Treaty without further delay and to place its nuclear facilities under full scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

## Peaceful uses of nuclear energy

27. Reaffirmation of the commitment to the full implementation of Article IV of the Treaty and the commitment to cooperation between States parties in the field of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty and the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.

28. Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguard and nuclear safety.

29. Reaffirmation that attacks or threats of attack on nuclear facilities devoted to peaceful purpose jeopardize nuclear safety and raise serious concern regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

30. Reaffirmation of the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance of ensuring a successful review process under the Nuclear Safety Convention and note the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as another contribution in this area.

31. Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end.

2. The following is a list of the specific proposals put forward by delegations for consideration by the Preparatory Committee on the understanding that the proposals are without commitment by the Preparatory Committee and without prejudice to the position of any delegation and that the list is not exclusive.

**Preparatory Committee for the 2000 Review**

**Conference of the Parties to the Treaty on**

**the Non-Proliferation of Nuclear Weapons**

NPT/CONF.2000/PC.III/54
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New York, 10-21 May 1999

## Proposals by the United States of America

### Proposals for the Chairman's working paper of 14 May 1999

4. Urgency and importance of achieving the universality of the Treaty. Welcome the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates, and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187. Also call on all States not yet party to the Treaty - **Cuba, India, Israel, and Pakistan** - **to accede to the Treaty as non-nuclear-weapon States at the earliest possible time, particularly those States that operate unsafeguarded nuclear facilities.**

6. Add to end of sentence two: **and United Nations Security Council Resolutions directly relevant to nuclear nonproliferation.**

7. *[Delete]*

**10.bis. Express disappointment that not all States in the Middle East are parties to the CWC, BWC, or NPT, thus frustrating a goal of the Resolution on the Middle East, namely, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems.**

12. Recognition of the progress achieved in nuclear weapon reductions by the nuclear weapon states, including those made unilaterally, or bilaterally through the Strategic Arms Reduction Treaty (START) process. Require that an appropriate stage the U.S. and the Russian Federation should be joined by the other NWS. **Reaffirmation of the need to revitalise this process. Affirmation of the need for vigorous efforts to ensure full implementation of the obligations of States Parties under Article VI. Invite increased transparency by NWS on implementation of Article VI.**

16. Welcome and support of the steps taken to conclude further nuclear-weapon free zone treaties since 1995 and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned enhances global and regional peace and security as a step towards strengthening of the nuclear nonproliferation regime

and realizing the objectives of nuclear disarmament. Support of proposals **for such a zone** in the Middle East. Welcome the initiative taken by States in Central Asia to establish a nuclear-weapon-free zone in that region. **Welcome the conclusion of the agreement regarding the denuclearization of the Korean Peninsula and urge its rapid implementation. Urge that states in South Asia initiate steps to conclude a NWFZ in that region.**

25. **Recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference constituted an important element of the 1995 outcome, and reaffirmation of the firm commitment to work towards the realization of the goals of that resolution. Recognition in this regard of the need for all States Parties to the Treaty, and in particular, the nuclear weapon states, to extend their cooperation and exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.**

26. **To take note that since the adoption of the 1995 Resolution on the Middle East all States in the region have become parties to the Treaty with the exception of one and that one other State in the Middle East remains in noncompliance with UNSC Resolutions concerning weapons of mass destruction having previously been found to be in noncompliance with two Articles of the NPT and that that State refuses to permit the IAEA to carry out inspections aimed at ensuring compliance with the nuclear component of relevant UNSC resolutions. To facilitate the realization of the goals of the Resolution on the Middle East, Stresses the urgent need for all States in the region to accede to the Treaty without delay and to place all their facilities under full scope IAEA safeguards and for all States in the region to comply immediately with UNSC resolutions pertaining to nuclear and other weapons of mass destruction and permit inspections provided for therein. Stresses, additionally, the need for one State in Latin America and the Caribbean and two States in South Asia to accede to the NPT and the need for one State in Northeast Asia to comply fully with its NPT obligations. This will enhance the universality and effectiveness of the Treaty and strengthen the international nuclear nonproliferation regime.**

Editorial

19. *Change* **"existent"** *to* **"existing"**

20. *Change* **"specially"** *to* **"especially"**

## **Proposed new paragraph 27 of the Chairman's Working Paper Rev.1**

27. Encourage the establishment of nuclear-weapon-free zones in regions for which consensus resolutions of the General Assembly exist, such as the Middle East and Central Asia, as well as the development of zones free from all weapons of mass destruction.

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

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## Proposals submitted by Iran (Islamic Republic of)

### Comments on the Chairman's working paper

1. Add the following after the first sentence of Para 5:

   Particularly by the accession to the Treaty, at the earliest possible date, of states that operate unsafeguarded nuclear facilities.

2. Second sentence of Para 6 should be deleted.

3. The following sentence should be added at the end of Para 9.

   "Reaffirmation also, towards the attainment of this objective, of the commitment of all states party to prohibit completely the transfer of sharing of all nuclear related equipment, information, materials, facilities, resources or devices or the extension of scientific and technological assistance in the nuclear field to states non party to the treaty, without exception".

4. Para 12 should begin as following: "Welcoming the declaration of some NWSs regarding their nuclear weapons reductions, including ... .

5. Para 16 should be replaced by Para 13 of last year Chairman's Working Paper.

6. Para 18 should read as follows:

   "Reaffirming that further steps should be taken to conclude an international legally-binding instrument to assure ... .

7. Para 19: Add at the end of the Para: Reaffirmation that nothing should undermine the IAEA in this regard and that the states which have concerns should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States Parties under the provisions of the preamble and articles of the Treaty are fully

protected and that no state party is limited in the exercise of this right based on allegations of non-compliance not verified by the IAEA.

8. Reinsert the previously agreed Para as new Para. 27 bis as follows:

Reaffirmation of commitment to continue to take further steps for the full realization of the relevant provisions of the Treaty, taking into account the undertakings in the principles and objectives on the peaceful use of nuclear energy.

9. Add a new Para in the section on the Middle East Resolution as following:

The States Parties recommend that the 2000 Review Conference establish a subsidiary body to its Main Committee II to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference.

10. Para. 29 bis should be added as following:

Any armed attack and threat of attack against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the UN Charter, international law and the Statute of the IAEA. It urges states parties therefore to make every effort, individually and within competent international fora, in particular IAEA, to take the necessary measures to prohibit such attacks against nuclear facilities under safeguard, inter alia, through adoption of an international legally-binding instrument to that effect.

11. New section on: Follow up mechanism:

The State Parties agree that to ensure the effective implementation of the Treaty, and of decisions and resolutions and documents adopted at the Review Conference, an open-ended standing committee, which would work inter-sessionally to follow up recommendations concerning the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, should be established by the Treaty's 2000 Review Conference. (Taken from paragraph 123 of the Durban Summit Document)

Proposed revision to paragraph 43 of the Chairman's working paper - Rev.1

43. Reaffirmation that the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with its Statute and its safeguards system, compliance with Safeguards Agreements and that nothing should be done to undermine the authority of the IAEA in this regard. Stress that States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

**Preparatory Committee for the 2000 Review**

**Conference of the Parties to the Treaty on**

**the Non-Proliferation of Nuclear Weapons**

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## NUCLEAR-WEAPON-FREE ZONES

Proposed amendment by Croatia on behalf of Bosnia and Herzegovina, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, The former Yugoslav Republic of Macedonia, Poland, Romania, Slovakia and Slovenia

The Belarus initiative is once again being advanced in disregard of the wishes of the overwhelming majority of countries from the region, in contradiction to the universally agreed principle mentioned in the Guidelines. I should also like to recall that in accordance with the UNDC Guidelines on NWFZ's [paragraph 43] any proposal on the establishment of a nuclear-weapon-free zone on the basis of arrangements freely arrived at should be considered in international fora only after consensus on the objective of such a zone has been achieved in broad consultations among countries from the region concerned. As this group of countries has stated on numerous previous occasions, this is far from being the case in our region.

Even though our delegations do not wish to prejudge the future relevance of similar initiatives, in view of the lack of consensus on this issue we are not in a position to accept any reference to the establishment of a nuclear-weapon-free zone or space in Central and Eastern Europe.

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

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## Proposed amendments to paragraph 27 of the Chairman's working paper - Rev.1

### Submitted by Kyrgyzstan

Split paragraph 27 into two separate paragraphs. Paragraph 27 should end after the words "South Asia".

Paragraph 27 bis should read: "Welcome the initiative taken by states in Central Asia to establish a nuclear-weapon-free zone in that region".

# ANNEX IV

## CHAIRMAN'S REVISED WORKING PAPER OF 20 MAY 1999

**Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

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Third session
New York, 10-21 May 1999

## CHAIRMAN'S WORKING PAPER - Rev.1

1. Reaffirmation of commitment to the preamble and the articles of the Treaty and to the outcome of the 1995 Review and Extension Conference of the NPT.

2. Reaffirmation of conviction that the preservation of the integrity of the Treaty is essential to international peace and security.

3. Recognition of the crucial role of the Treaty in nuclear non proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

4. Reaffirmation that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

5. Recalling that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and that these undertakings have been made on the context of the corresponding legally binding commitments by the nuclear weapon States of nuclear disarmament.

6. Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control.

7. Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on "Principles and Objectives for Nuclear Non-proliferation and Disarmament" and on "Strengthening the Review Process for the Treaty" as well as the "Resolution on the Middle East" adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

8. Affirmation that all the articles of the Treaty on the Non-Proliferation of Nuclear Weapons are binding on all States parties and at all times and in all circumstances.

## Universality

9. Urgency and importance of achieving the universality of the Treaty; welcome the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187.

10. Urge all States not yet party to the Treaty, Cuba, India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States, at the earliest possible date, without condition or further delay, particularly those States that operate unsafeguarded nuclear facilities.

11. Undertake to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts should include the enhancement of regional security, particularly in areas of tension such as the Middle East and South Asia.

## Non-proliferation

12. Reaffirmation that every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

13. Reaffirmation by nuclear weapon States Parties to the Treaty not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, directly or indirectly.

14. Reaffirmation by non-nuclear weapon States Parties to the Treaty not to receive from any transferor whatsoever of nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, directly or indirectly.

15. Expression of the concern of the States Parties with the cases of non-compliance of the Treaty by two States Parties which demand the close attention and effective response of the States Parties of the NPT.

16. Condemnation of the nuclear test explosions in South Asia in 1998. Note that the States concerned have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear tests by signing and ratifying the Comprehensive Nuclear Test Ban Treaty.

17. Reaffirmation that in accordance with Article IX, States not currently States parties may accede to the Treaty as non-nuclear-weapon States.

18. Reiteration of the call on those States which possess the capabilities to produce nuclear weapons and which have not yet acceded to the NPT to reverse clearly and urgently the pursuit of all nuclear-weapon development or deployment, and to refrain from any action which could undermine regional and international peace and security and the efforts of the

international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.

19. Reaffirmation that the cessation of all nuclear weapon test explosion or any other nuclear explosion will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the ultimate objective of the complete elimination of nuclear weapons and therefore to the further enhancement of international peace and security.

Nuclear disarmament

20. Reaffirmation of the commitment to fulfil with determination the obligations under article VI. Reaffirmation, in this context, by all States, especially the nuclear-weapon States, of their unequivocal commitment to the ultimate elimination of nuclear weapons, and to that end, agreement to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons. Declaration of commitment to the achievement of general and complete disarmament under strict and effective international control. Declaration that the achievement of nuclear disarmament and general and complete disarmament, necessitates the cooperation of all States.

21. Recognition of the progress achieved in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Recognition also of the unilateral reduction measures taken by the other nuclear weapon States.

22. Recognition that there are a number of practical steps that the nuclear-weapon States can and should take immediately before the actual elimination of nuclear arsenals and the development of requisite verification regimes take place:

   a) Call upon the United States and the Russian Federation to revitalize the START process by bringing START II into force without delay, and immediately thereafter to proceed with negotiations on START III with a view to its early conclusion.

   b) Require that in the near future the United States and the Russian Federation should be joined by the other NWS, in a seamless process leading to the total elimination of nuclear weapons.

   c) Reaffirm the need for the nuclear-weapon States to reduce further their reliance on non-strategic nuclear weapons and to pursue negotiations on their elimination as an integral part of their overall nuclear disarmament activities.

   d) Invite increased transparency by NWS on the dismantlement of nuclear weapons and ensure the effective management of the resultant fissile materials.

e) Proceed with interim measures to prevent accidental or unauthorised launches, such as de-alerting, de-targeting and de-activating their nuclear weapons, and removing nuclear warheads from delivery vehicles.

f) Examine further interim measures, including measures to enhance strategic stability and accordingly to review strategic doctrines.

23. Achievement of the following measures is important in the full realisation and effective implementation of Article VI, including the programme of action as reflected below:

a) Recognition of the importance for all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States, especially those whose ratification in accordance with article XIV of the Treaty ensures its entry into force, to sign and ratify the Treaty unconditionally and without delay. Welcome of the ratifications that have taken place so far, including those by two nuclear-weapon States (France and the United Kingdom). Call on all States, pending the entry into force, to act so as not to defeat the object and purpose of the Treaty. Also call upon all States to contribute to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, in particular to its efforts to implement the Treaty's verification regime, including to provide the Preparatory Commission with the necessary financial means.

b) Reaffirmation of the need for the immediate commencement and the early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the report of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. Such a treaty would be an essential measure of nuclear disarmament as well as of non-proliferation. Welcome the establishment in August 1998 of an Ad Hoc Committee in the Conference on Disarmament for this purpose under Item 1 of its Agenda "Cessation of Nuclear Arms Race and Nuclear Disarmament", and urge its immediate reestablishment.

c) Welcome the announcements made by some NWS that they have ceased the production of fissile material for use in nuclear weapons or other nuclear explosive devices, and call upon all NWS to declare collectively a moratorium on the production of such material for such devices.

d) Establishment of a subsidiary body to Main Committee I of Review Conferences, and the provision of specific time at all future meetings of Preparatory Committees, for a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons.

e) Urge the Conference on Disarmament to establish an ad-hoc Committee under Item I of its Agenda with a negotiating mandate to address nuclear disarmament.

24. Welcome the important contribution made by Belarus, Kazakhstan and Ukraine, in the implementation of Article VI of the Treaty through their significant measures in nuclear disarmament, in particular the voluntary decision to withdraw all tactical and strategic nuclear weapons from their territories, and taking note with satisfaction of the current efforts of those States to strengthen the Treaty through enhancing regional and global security.

25. Affirm that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.

Nuclear-weapon-free zones

26. Welcome and support of the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995, and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes towards realizing the objectives of nuclear disarmament.

27. Support of proposals for the establishment of NWFZ where they do not yet exist, such as in the Middle East and South Asia and welcome of the initiative taken by states in Central Asia to establish a nuclear-weapon-free zone in that region.

28. Welcome the declaration by Mongolia of its nuclear-weapon-free status, as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions, as a concrete contribution to promoting the aims of nuclear non-proliferation.

29. Welcome the conclusion of the agreement regarding the denuclearisation of the Korean Peninsula and urge its rapid implementation.

30. Recognition of the continuing contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the Southern Hemisphere and adjacent areas covered by those treaties from nuclear weapons.

31. Reaffirmation of the importance of ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as of the continued work by all concerned States to facilitate adherence to the protocols to nuclear-weapon-free zones treaties by all relevant States that have not yet done so.

32. Welcome the consensus reached in the United Nations General Assembly since its thirty-fifth session that the establishment of a Nuclear Weapon Free Zone in the Middle East would greatly enhance international peace and

security. Urge all States directly concerned to take the practical and urgent steps required for the establishment of a NWFZ in the Middle East as a first step towards the establishment in the same region of a zone free from all weapons of mass destruction.

33. Welcome the report on the "Establishment of nuclear-weapon-free-zones on the basis of arrangements freely arrived at among the States of the region concerned", adopted by consensus by the Disarmament Commission on 30 of April 1999.

## The 1995 Resolution on the Middle East

34. Recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference constituted an integral part of the package of the 1995 outcome, and reaffirmation of the firm commitment to work towards the full implementation of that resolution. Recognition, in this regard, of the special responsibility of the depositary States as cosponsors of this resolution.

35. Reaffirmation of the provisions of the Resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, and reaffirmation of the determination to work diligently towards its speedy implementation.

36. Recognition that since the adoption of the 1995 Resolution on the Middle East, Djibouti, Oman and the UAE have become parties to the Treaty. Expression of deep concern that Israel continues to be the only state in the region which has not yet acceded to the Treaty and refuses to place all its nuclear facilities under the full-scope safeguards of the IAEA.

37. Call upon Israel to accede to the Treaty and to place all its nuclear facilities under the full-scope IAEA safeguards without further delay and without conditions.

38. Recognition of the need for all States Parties to the Treaty, and in particular, the nuclear-weapon States, to extend their cooperation and exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

39. Affirmation of the importance of full compliance of all States parties to the NPT in the region with their obligations under the Treaty. Note that one State in the Middle East remains in noncompliance with the Treaty and with United Nations Security Council Resolutions concerning weapons of mass destruction, and that this State continues not to allow IAEA inspections.

## Security assurances

40. Reaffirmation that the total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally-binding negative security assurances regime which will ensure the

security on non-nuclear weapon States against the use or threat of use of nuclear weapons must be urgently concluded.

41. Welcome the establishment in March 1998 in the Conference on Disarmament of an Ad Hoc Committee on effective international arrangements to assure non-nuclear weapon states against the use, or threat of use of nuclear weapons, and urge its immediate reestablishment.

42. Reiterate the need for the commitment, without any condition, by all the nuclear weapon States not to be the first to use nuclear weapons, nor use or threaten to use nuclear weapons against non-nuclear-weapon States, and conclude international legal instruments to this effect.

## Safeguards

43. Reaffirmation that the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with its Statute and its safeguards system, compliance with Safeguards Agreements.

44. Urge all States parties which have not yet done so to conclude with the IAEA a full-scope Safeguards Agreement, as required by article III of the Treaty. Urge those States Parties to the IAEA full-scope Safeguards Agreements, which are not in compliance, to implement all obligations under the Agreements fully and unconditionally.

45. Call on all States not parties to the Treaty to accept comprehensive IAEA safeguards.

46. Welcome and support the adoption, in May 1997, of the Model Additional Protocol to existent Safeguards Agreements (laid down in document INFCIRC/540), designed to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system as a contribution to global non-proliferation objectives. Welcome the signature of such agreements by 36 non-nuclear weapon States.

47. Urge all States that have not yet done so to conclude as quickly as possible an Additional Protocol pursuant to INFCIRC/540. Urge the nuclear-weapon States, which have not yet done so, to include in their Additional Protocols those measures which they have identified as capable of contributing to the non-proliferation and efficiency aims of the Model Additional Protocol.

48. Placement of nuclear material transferred from military use to peaceful nuclear activities under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States.

49. Reaffirmation that new supply arrangements for the transfer of source or special fissionable material or equipment or material specially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon states should require as a necessary

precondition adherence to the Treaty and acceptance of full-scope IAEA safeguards.

50. Support for the Agency's efforts to strengthen the effectiveness and improve the efficiency of the IAEA safeguards system and to integrate safeguards measures arising from the Model Additional Protocol with the traditional safeguards measures.

51. Urge all States to implement, to the extent possible, the IAEA recommendations on physical protection of nuclear material, currently set forth in INFCIRC/225/Rev.4 and also urge all States parties to examine ways and means to strengthen the current regime.

52. Underline the importance of the conclusions of the Moscow Summit on Nuclear Safety and Security of 19 and 20 of April 1996, and the initiatives stemming from it.

Peaceful uses of nuclear energy

53. Reaffirmation of the commitment to the full implementation of article IV of the Treaty and the commitment to cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty and the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.

54. Reaffirmation of the importance attached to the work of IAEA regarding multilateral technical cooperation in the development of the applications of nuclear energy for peaceful purposes and with due consideration of the needs of the developing areas of the world, call again for every effort to be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation, safeguards and nuclear safety.

55. Reaffirmation of the importance of nuclear safety as an essential prerequisite for the peaceful uses of nuclear energy. In this context, States parties attach importance to ensuring a successful review process under the Nuclear Safety Convention and note the adoption of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as another contribution in this area. Urge all States that have not yet done so to accede to these Conventions at the earliest possible date, particularly those States that operate nuclear facilities. Welcome the agreement reached in December 1997 among a group of nine countries on guidelines for the management of plutonium in all peaceful nuclear activities.

56. Affirmation that it is in the interest of all States that the maritime transportation of irradiated nuclear fuel plutonium and high-level waste be conducted in compliance with international standards of safety, security and environmental protection. Call on those directly engaged in the maritime transportation of such radioactive materials to continue to provide information, consistent with safety and security requirements,

about the timing, route and liability arrangements to States in the vicinity of such shipments.

57. Consideration of the potential contributions from new, inherently-safe nuclear-power technologies in enhancing the safety of nuclear power. In this connection, to propose the elaboration, under the auspices of IAEA, of such a project to ensure that energy is obtained safely with minimal risk from the point of view of non-proliferation.

58. Recognition of the obligation of NPT states parties to ensure that their exports of nuclear items do not contribute to the proliferation of nuclear weapons or other nuclear explosive devices; and recognition that co-ordination of national policies to this end can contribute to the non-proliferation objectives of the NPT and facilitate the fullest possible exchange of equipment, materials, and scientific and technical information for the peaceful uses of nuclear energy, in accordance with Article IV.

59. Reaffirm the importance of non-discriminatory and universally binding nuclear control regimes. Welcome for the two International Seminars on the Role of Export Controls in Nuclear Non-Proliferation held in 1997 and 1999, as well as other ongoing efforts by nuclear suppliers to respond to the 1995 NPT Review and Extension Conference's call for the promotion of transparency in nuclear-export controls.

60. Reaffirmation that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the respect of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations, particularly those under Chapter VII.

61. Express the determination to prevent and combat illicit trafficking in nuclear materials and state the readiness to cooperate with each other, and support multilateral efforts to this end, inter alia review of the Convention on the physical protection of nuclear materials at the earliest possible time with the aim of strengthening and broadening its scope.

## ANNEX V

## LIST OF DOCUMENTS

## LIST OF DOCUMENTS

### First session

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| NPT/CONF.2000/PC.I/1 and Rev.1 | Agenda |
| NPT/CONF.2000/PC.I/2 | Statement by the delegations of France, China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on nuclear non-proliferation and disarmament at the Preparatory Committee for the Review Conference |
| NPT/CONF.2000/PC.I/3 | Cluster one: article VI, submitted by New Zealand |
| NPT/CONF.2000/PC.I/4 | Cluster one, submitted by Canada |
| NPT/CONF.2000/PC.I/5 | Resolution on the Middle East adopted by the 1995 Review and Extension Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by Egypt on behalf of the States members of the League of Arab States that are parties to the Treaty |
| NPT/CONF.2000/PC.I/6 | Letter received on 10 April 1997 from the Russian Federation and the United States of America addressed to the Chairman of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, transmitting the joint statements from the March 1997 Summit Meeting between the Presidents of the United States of America and the Russian Federation, held in Helsinki |
| NPT/CONF.2000/PC.I/7 | Cluster two, submitted by Canada |
| NPT/CONF.2000/PC.I/8 | Cluster two: article VII, submitted by New Zealand |
| NPT/CONF.2000/PC.I/9 | Some possible elements to be taken into account in the review process, submitted by Japan |

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| NPT/CONF.2000/PC.I/10 | Letter dated 10 April 1997 from the Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries addressed to the Chairman of the Preparatory Committee |
| NPT/CONF.2000/PC.I/11 | General considerations to be taken into account by parties to the review process, submitted by the Marshall Islands |
| NPT/CONF.2000/PC.I/12 | Cluster two: nuclear-weapon-free zones, submitted by Mongolia |
| NPT/CONF.2000/PC.I/13 | Cluster one: transparency measures, submitted by Norway |
| NPT/CONF.2000/PC.I/14 | Cluster two: article VII, submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan |
| NPT/CONF.2000/PC.I/15 | Proposals for inclusion in the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by China |
| NPT/CONF.2000/PC.I/16 and Corr.1 | Draft protocol to the Treaty on the Non-Proliferation of Nuclear Weapons to assure non-nuclear-weapon States parties against the use or threat of use of nuclear weapons, submitted by Myanmar, Nigeria and the Sudan |
| NPT/CONF.2000/PC.I/17 | Cluster one: nuclear disarmament, submitted by Ireland |
| NPT/CONF.2000/PC.I/18 | Cluster three, submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan |
| NPT/CONF.2000/PC.I/19 | Cluster two: nuclear-weapon-free zones, submitted by Belarus |
| NPT/CONF.2000/PC.I/20 | Cluster one: nuclear disarmament, submitted by Sweden |
| NPT/CONF.2000/PC.I/21 | Proposals for inclusion in the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the |

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| | Non-Proliferation of Nuclear Weapons, submitted by the Russian Federation |
| NPT/CONF.2000/PC.I/22 | Proposals for inclusion in the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by South Africa |
| NPT/CONF.2000/PC.I/23 | Draft recommendations for the report on the first session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the European Union |
| NPT/CONF.2000/PC.I/24 | Non-proliferation and International Atomic Energy Agency safeguards: statement by France |
| NPT/CONF.2000/PC.I/25 | Cluster three, submitted by Canada |
| NPT/CONF.2000/PC.I/26 | Nuclear disarmament: statement by France |
| NPT/CONF.2000/PC.I/27 | Implementation of article IV: statement by France |
| NPT/CONF.2000/PC.I/28 | Cluster three: conversion of nuclear materials to peaceful uses, submitted by Norway |
| NPT/CONF.2000/PC.I/29 | Views on a "rolling document" for the strengthened Treaty review process, submitted by Canada |
| NPT/CONF.2000/PC.I/30 | Clusters one, two and three, submitted by Australia |
| NPT/CONF.2000/PC.I/31 | Chairman's statement |
| NPT/CONF.2000/PC.I/32 | Report of the Preparatory Committee on its first session |

## Second session

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| NPT/CONF.2000/PC.II/1 | Note by the Secretariat on estimated cost of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |

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| NPT/CONF.2000/PC.II/2 and Corr.1 (English only) | Working paper on security assurances: A South African perspective, submitted by South Africa |
| NPT/CONF.2000/PC.II/3 | Working paper on input for possible revised Chair's working paper, submitted by Canada |
| NPT/CONF.2000/PC.II/4 | Draft statement on current START standstill, submitted by Canada |
| NPT/CONF.2000/PC.II/5 and Corr.1 (English only) | Letter dated 28 April 1998 from the Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries addressed to the Chairman of the Preparatory Committee, transmitting a working paper by the members of the Movement of Non-Aligned Countries parties to the Treaty |
| NPT/CONF.2000/PC.II/6 | Working paper on Cluster one: practical aspects of nuclear disarmament, submitted by Japan |
| NPT/CONF.2000/PC.II/7 | Cluster one: nuclear disarmament, submitted by Switzerland |
| NPT/CONF.2000/PC.II/8 | Letter dated 29 April 1998 from the head of the delegation of the United Kingdom of Great Britain and Northern Ireland addressed to the Chairman of the Preparatory Committee, transmitting a statement by the delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America |
| NPT/CONF.2000/PC.II/9 | Working paper on Cluster one: some additional elements to be incorporated in the recommendations to the 2000 Review Conference, submitted by Japan |
| NPT/CONF.2000/PC.II/10 | Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada |
| NPT/CONF.2000/PC.II/11 | Text on nuclear disarmament for the rolling text, submitted by Australia |
| NPT/CONF.2000/PC.II/12 | Working paper on Cluster one issues: article VI of the Nuclear Non-Proliferation Treaty, submitted by South Africa |

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| NPT/CONF.2000/PC.II/13 | Nuclear-weapon-free zones (to replace New Zealand text in annex II, paragraph 4, of NPT/CONF.2000/PC.I/32), submitted by New Zealand |
| NPT/CONF.2000/PC.II/14 | Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada |
| NPT/CONF.2000/PC.II/15 | Working paper on Cluster one: nuclear disarmament, submitted by Finland |
| NPT/CONF.2000/PC.II/16 | Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada |
| NPT/CONF.2000/PC.II/17 | Possible products of the Non-Proliferation Treaty's strengthened review process: (a) the Preparatory Committee; (b) the 2000 Review Conference, working paper submitted by South Africa |
| NPT/CONF.2000/PC.II/18 | Letter dated 4 May 1998 from the head of the delegation of Uzbekistan addressed to the Chairman of the Preparatory Committee, transmitting a working paper by the delegations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan |
| NPT/CONF.2000/PC.II/19 | Letter dated 4 May 1998 from the alternate leader of the delegation of Myanmar addressed to the Chairman of the Preparatory Committee, transmitting a statement by the ASEAN countries on the South-East Asia Nuclear-Weapon-Free Zone Treaty |
| NPT/CONF.2000/PC.II/20 | Cluster three: Peaceful uses of nuclear energy, working paper submitted by the Islamic Republic of Iran |
| NPT/CONF.2000/PC.II/21 | Cluster three: Peaceful uses of nuclear energy, working paper submitted by the Islamic Republic of Iran |
| NPT/CONF.2000/PC.II/22 | The resolution on the Middle East, working paper submitted by Egypt |
| NPT/CONF.2000/PC.II/23 | The 1995 resolution on the Middle East, working paper submitted by Bahrain on behalf of the Arab States |

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| **NPT/CONF.2000/PC.II/24 and Corr.1** | Letter dated 4 May 1998 from the deputy head of the delegation of Poland addressed to the Chairman of the Preparatory Committee, transmitting a statement by the delegations of Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia, Slovenia, and the former Yugoslav Republic of Macedonia |
| **NPT/CONF.2000/PC.II/25** | Proposed language for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada |
| **NPT/CONF.2000/PC.II/26** | Proposals for inclusion in the Chairman's working paper at the second session of the Preparatory Committee for the 2000 NPT Review Conference, submitted by China |
| **NPT/CONF.2000/PC.II/27** | Summary of Canadian proposals, submitted by Canada |
| **NPT/CONF.2000/PC.II/28** | Language to be included in the Chairman's working paper, submitted by Sweden |
| **NPT/CONF.2000/PC.II/29** | Cluster two: article III, submitted by Turkey |
| **NPT/CONF.2000/PC.II/30** | Updated draft recommendations for the report of the second session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the European Union |
| **NPT/CONF.2000/PC.II/31** | Letter dated 7 May 1998 from the Permanent Mission of Argentina in Geneva addressed to the Secretariat of the Preparatory Committee, transmitting, on behalf of Argentina and Chile, the Joint Declaration by Argentina, Brazil, Chile and Uruguay on the transport of radioactive waste, the Declaration of OPANAL on the transport of radioactive waste and paragraph 23 of the Declaration of San Salvador adopted by the Organization of American States on confidence- and security-building measures |
| **NPT/CONF.2000/PC.II/32** | Letters dated 7 May 1998 from the Permanent Mission of the Islamic Republic of Iran and the Permanent Mission of Qatar, in Geneva, addressed to the Secretariat of the Preparatory Committee, transmitting the |

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| | communiqué of the Eighth Summit of the Organization of the Islamic Conference and the communiqué and resolutions of the twenty-fifth session of the Islamic Conference of Foreign Ministers |
| NPT/CONF.2000/PC.II/33 | Letter dated 8 May 1998 from the Permanent Mission of the Republic of Korea in Geneva addressed to the Secretariat of the Preparatory Committee, transmitting the Joint Declaration on the Denuclearization of the Korean Peninsula |
| NPT/CONF.2000/PC.II/34 | Proposals for inclusion in the report of the Preparatory Committee on its second session, submitted by Canada |
| NPT/CONF.2000/PC.II/35 | Chairman's working paper |
| NPT/CONF.2000/PC.II/36 | Report of the Preparatory Committee on its second session |

### Third session

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| NPT/CONF.2000/PC.III/1 | Letter dated 27 April 1999 from the Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries addressed to the Chairman of the Preparatory Committee |
| NPT/CONF.2000/PC.III/2 | NPT Review Conference 2000: principles and objectives for nuclear non-proliferation and nuclear disarmament, working paper submitted by Canada |
| NPT/CONF.2000/PC.III/3 | Further enhancing the strengthened review process for the Treaty, working paper submitted by Canada |
| NPT/CONF.2000/PC.III/4 | Proposed paragraphs on substantive issues for incorporation in the final report of the third session of the Preparatory Committee, working paper submitted by Canada |
| NPT/CONF.2000/PC.III/5 | Possible products of the NPT's strengthened review process: (a) the Preparatory Committee; (b) the 2000 Review Conference, working paper submitted by South Africa |

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| **NPT/CONF.2000/PC.III/6** | 2000 NPT Review Conference, working paper submitted by the United States of America |
| **NPT/CONF.2000/PC.III/7** | Letter dated 7 May 1999 from the Permanent Representative of Algeria to the United Nations in his capacity as Chairman of the Arab Group addressed to the Chairman of the Preparatory Committee |
| **NPT/CONF.2000/PC.III/8** | The 1995 resolution on the Middle East, working paper submitted by Algeria on behalf of the States members of the Arab League |
| **NPT/CONF.2000/PC.III/9 and Corr.1 (Spanish only)** | Draft Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT): Draft protocol on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, working paper submitted by South Africa |
| **NPT/CONF.2000/PC.III/10** | Position paper re article VI, working paper submitted by Canada |
| **NPT/CONF.2000/PC.III/11** | Amendment to paragraph 100 of the Chairman's working paper (NPT/CONF.2000/PC.II/35), proposed by New Zealand |
| **NPT/CONF.2000/PC.III/12** | The implementation of the resolution on the Middle East, working paper submitted by Egypt |
| **NPT/CONF.2000/PC.III/13** | Letter dated 12 May 1999 from the Deputy Permanent Representative of Ireland to the United Nations head of delegation to the Preparatory Committee addressed to the Chairman of the Preparatory Committee |
| **NPT/CONF.2000/PC.III/14** | Nuclear disarmament: Amendments to the Chairman's working paper (NPT/CONF.2000/PC.II/35) (to replace text in paragraphs 58 to 60), submitted by New Zealand |
| **NPT/CONF.2000/PC.III/15** | Proposals for inclusion in the report of the third session of the Preparatory Committee for the 2000 NPT Review Conference: Implementation of the provisions of NPT relating to |

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| | non-proliferation of nuclear weapons, nuclear disarmament and security assurances, working paper submitted by China |
| **NPT/CONF.2000/PC.III/16** | Working paper submitted by Norway |
| **NPT/CONF.2000/PC.III/17** | Cluster two: Article VII: Proposed elements for inclusion in the report of the Preparatory Committee on its third session, working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan |
| **NPT/CONF.2000/PC.III/18** | Some draft elements on principles and objectives and programmes of action on nuclear non-proliferation and nuclear disarmament, proposed by Myanmar |
| **NPT/CONF.2000/PC.III/19** | Proposals for inclusion in the report of the third session of the Preparatory Committee for the 2000 NPT Review Conference: Implementation of the provisions of NPT relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones, working paper submitted by China |
| **NPT/CONF.2000/PC.III/20** | Proposal for inclusion in the Chairman's working paper, submitted by the Russian Federation |
| **NPT/CONF.2000/PC.III/21** | Nuclear disarmament, working paper submitted by Belarus, Kazakhstan and Ukraine |
| **NPT/CONF.2000/PC.III/22** | Proposals for inclusion in the report of the third session of the Preparatory Committee for the 2000 NPT Review Conference: Fissile Material Cut-off Treaty, working paper submitted by China |
| **NPT/CONF.2000/PC.III/23** | Proposals for inclusion in the report of the third session of the Preparatory Committee for the 2000 NPT Review Conference: Peaceful uses of nuclear energy, working paper submitted by China |
| **NPT/CONF.2000/PC.III/24** | Note by the Secretariat on revised estimated cost of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |

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| NPT/CONF.2000/PC.III/25 | Third session of the NPT Preparatory Committee, working paper submitted by Angola, Benin, Bolivia, Botswana, Brazil, Cameroon, Chile, Colombia, Congo, Costa Rica, Ecuador, Egypt, El Salvador, Fiji, Ghana, Guatemala, Indonesia, Iran (Islamic Republic of), Ireland, Kenya, Lesotho, Liberia, Mali, Malaysia, Malawi, Mexico, Morocco, New Zealand, Nigeria, Panama, Peru, Philippines, Samoa, Solomon Islands, South Africa, Swaziland, Sweden, Switzerland, Thailand, Togo, Uruguay, Venezuela, Zambia and Zimbabwe |
| NPT/CONF.2000/PC.III/26 | Working paper submitted by Malaysia |
| NPT/CONF.2000/PC.III/27 | Proposals for inclusion in the Chairman's working paper, submitted by the Republic of Korea |
| NPT/CONF.2000/PC.III/28 | Note by the Secretariat |
| NPT/CONF.2000/PC.III/29 | Chairman's working paper of 14 May 1999 |
| NPT/CONF.2000/PC.III/30 | Comments on the Chairman's working paper of 14 May 1999, submitted by Australia |
| NPT/CONF.2000/PC.III/31 | Debate on Chairman's working paper, proposals submitted by Austria |
| NPT/CONF.2000/PC.III/32 | Proposed amendment to the Chairman's working paper of 14 May 1999, submitted by Belarus |
| NPT/CONF.2000/PC.III/33 | Proposal by Belarus, Kazakhstan and Ukraine |
| NPT/CONF.2000/PC.III/34 | Proposed amendments to the Chairman's working paper of 14 May 1999, submitted by Belgium |
| NPT/CONF.2000/PC.III/35 | Nuclear-weapon-free zones, proposed by Brazil |
| NPT/CONF.2000/PC.III/36 | Proposals by Canada |
| NPT/CONF.2000/PC.III/37 | Proposed elements to be included in Chairman's working paper, submitted by China |

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| **NPT/CONF.2000/PC.III/38** | Comments on the Chairman's working paper of 14 May 1999, submitted by the United Kingdom of Great Britain and Northern Ireland |
| **NPT/CONF.2000/PC.III/39** | Amendments on draft Chairman's working paper, submitted by Egypt |
| **NPT/CONF.2000/PC.III/40** | Comments on the Chairman's working paper of 14 May 1999, submitted by France |
| **NPT/CONF.2000/PC.III/41** | Proposed element to be included in the Chairman's working paper, submitted by Turkey |
| **NPT/CONF.2000/PC.III/42** | Proposal by Ireland |
| **NPT/CONF.2000/PC.III/43** | Chairman's working paper, proposals by Japan |
| **NPT/CONF.2000/PC.III/44** | Amendments to the Chairman's working paper of 14 May 1999, proposed by Kenya |
| **NPT/CONF.2000/PC.III/45** | Chairman's working paper, proposals by Sweden |
| **NPT/CONF.2000/PC.III/46** | Amendments to the Chairman's working paper, proposed by Luxembourg |
| **NPT/CONF.2000/PC.III/47** | Proposals to the Chairman's working paper, submitted by Mexico |
| **NPT/CONF.2000/PC.III/48** | Proposal for the Chairman's working paper, submitted by Mongolia |
| **NPT/CONF.2000/PC.III/49** | Proposals for the Chairman's working paper, submitted by Myanmar |
| **NPT/CONF.2000/PC.III/50** | Proposed amendments to the Chairman's working paper of 14 May 1999, submitted by the Netherlands |
| **NPT/CONF.2000/PC.III/51** | Proposals for the Chairman's working paper of 14 May 1999, submitted by New Zealand |
| **NPT/CONF.2000/PC.III/52** | Proposals for the Chairman's working paper of 14 May 1999, submitted by the Russian Federation |
| **NPT/CONF.2000/PC.III/53** | Comments on draft Chairman's working paper, submitted by South Africa |

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| NPT/CONF.2000/PC.III/54 | Proposals by the United States of America |
| NPT/CONF.2000/PC.III/55 | Proposals by the Islamic Republic of Iran |
| NPT/CONF.2000/PC.III/56 | Nuclear-weapon-free zones, proposed amendments by Croatia on behalf of Bosnia and Herzegovina, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, the former Yugoslav Republic of Macedonia, Poland, Romania, Slovakia and Slovenia |
| NPT/CONF.2000/PC.III/57 | Proposed amendments to paragraph 27 of the Chairman's revised working paper submitted by Kyrgyzstan |
| NPT/CONF.2000/PC.III/58 | Chairman's revised working paper of 20 May 1999 |

# ANNEX VI

## DRAFT RULES OF PROCEDURE

# DRAFT RULES OF PROCEDURE

## I. REPRESENTATION AND CREDENTIALS

### Delegations of Parties to the Treaty

### Rule 1

1. Each State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter "the Treaty") may be represented at the Conference of the Parties to the Treaty (hereinafter the "Conference") by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act as a representative.

### Credentials

### Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the head of the State or Government or by the Minister for Foreign Affairs.

### Credentials Committee

### Rule 3

The Conference shall establish a Credentials Committee composed of the Chairman and two Vice-Chairmen elected in accordance with rule 5, and six members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

### Provisional participation

### Rule 4

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

## II. OFFICERS

### Election

### Rule 5

The Conference shall elect the following officers: a President and thirty-four Vice-Presidents, as well as a Chairman and two Vice-Chairmen for each of the three Main Committees, the Drafting Committee and the Credentials Committee. The officers shall be elected so as to ensure a representative distribution of posts.

### Acting President

### Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

### Voting rights of the President

### Rule 7

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his delegation to vote in his place.

## III. GENERAL COMMITTEE

### Composition

### Rule 8

1. The General Committee shall be composed of the President of the Conference, who shall preside, the thirty-four Vice-Presidents, the Chairmen of the three Main Committees, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. No two members of the General Committee shall be members of the same delegation and it shall be so constituted as to ensure its representative character.

2. If the President is unable to attend a meeting of the General Committee, he may designate a Vice-President to preside at such meeting and a member of his delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chairman of a Main Committee, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairmen to take his place, with the

right to vote unless he is of the same delegation as another member of the General Committee.

### Functions

### Rule 9

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

## IV. CONFERENCE SECRETARIAT

### Duties of the Secretary-General of the Conference

### Rule 10

1. There shall be a Secretary-General of the Conference. He shall act in that capacity in all meetings of the Conference, its committees and subsidiary bodies, and may designate a member of the Secretariat to act in his place at these meetings.

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

### Duties of the Secretariat

### Rule 11

The Secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate and circulate the documents of the Conference;

(c) Publish and circulate any report of the Conference;

(d) Make and arrange for the keeping of sound recordings and summary records of meetings;

(e) Arrange for the custody of documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to each of the depository Governments; and

(f) Generally perform all other work that the Conference may require.

### Costs

### Rule 12[1]

The costs of the Conference, including the sessions of the Preparatory Committee, will be met by the States Parties to the Treaty participating in the Conference in accordance with the schedule for the division of costs as shown in the appendix to these Rules.

## V. CONDUCT OF BUSINESS

### Quorum

### Rule 13

1. A majority of the States Parties to the Treaty participating in the Conference shall constitute a quorum.

2. To determine whether the Conference is quorate, any State Party may call for a roll call at any time.

### General powers of the President

### Rule 14

1. In addition to exercising the powers conferred upon him elsewhere by these Rules, the President shall preside at the plenary meetings of the Conference; he shall declare the opining and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each State may speak on the question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

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[1] It is understood that the financial arrangements provided by rule 12 do not constitute a precedent.

## Points of order

### Rule 15

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these Rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

## Speeches

### Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19 to 22, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.

3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

## Precedence

### Rule 17

The Chairman of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee.

## Closing of list of speakers

### Rule 18

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

## Right of reply

### Rule 19

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

## Suspension or adjournment of the meeting

### Rule 20

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

## Adjournment of debate

### Rule 21

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 23, be immediately put to the vote.

## Closure of debate

### Rule 22

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

## Order of motions

### Rule 23

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

### Submission of proposals and substantive amendments

### Rule 24

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or decided on no earlier than twenty-four hours after copies have been circulated in all languages of the Conference to all delegations.

### Withdrawal of proposals and motions

### Rule 25

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

### Decision on competence

### Rule 26

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be decided upon before a decision is taken on the proposal in question.

### Reconsideration of proposals

### Rule 27

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. A proposal that has been adopted or rejected by a majority or two-thirds vote may be reconsidered if the Conference, by a two-thirds majority, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

## VI. VOTING AND ELECTIONS

### Adoption of decisions

### Rule 28

1. The task of the Conference being to review, pursuant to paragraph 3 of article VIII of the Treaty, the operation of the Treaty with a view to ensuring that the purposes of the preamble and the provisions of the Treaty are being realized, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.

2. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.

3. If, notwithstanding the best efforts of delegates to achieve a consensus, a matter of substance comes up for voting, the President shall defer the vote for forty-eight hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, provided that such majority shall include at least a majority of the States participating in the Conference.

5. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

### Voting rights

### Rule 29

Every State party to the Treaty shall have one vote.

## Meaning of the phrase "representatives present and voting"

### Rule 30

For the purposes of these Rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

## Elections

### Rule 31

All elections shall be held by secret ballot, unless the Conference decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

### Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in this special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

### Rule 33

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the numbers of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the

required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

## VII. COMMITTEES

### Main Committees and subsidiary bodies

### Rule 34

The Conference shall establish three Main Committees for the performance of its functions. Each such Committee may establish subsidiary bodies so as to provide for a focused consideration of specific issues relevant to the Treaty. As a general rule each State Party to the Treaty participating in the Conference may be represented in the subsidiary bodies unless otherwise decided by consensus.

### Representation on the Main Committees

### Rule 35

Each State Party to the Treaty participating in the Conference may be represented by one representative on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

### Drafting Committee

### Rule 36

1. The Conference shall establish a Drafting Committee composed of representatives of the same States that are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It shall also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

2. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

### Officers and procedures

### Rule 37

The rules relating to officers, the Conference secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and subsidiary bodies, except that:

(a) Unless otherwise decided, any subsidiary body shall elect a chairman and such other officers as it may require;

(b) The Chairmen of the General, the Drafting and the Credentials Committees and the Chairmen of subsidiary bodies may vote in their capacity as representatives of their States;

(c) A majority of the representatives on the General, Drafting and Credentials Committees or on any subsidiary body shall constitute a quorum; the Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when at least one quarter of the representatives of the States participating in the Conference are present.

## VIII. LANGUAGES AND RECORDS

### Languages of the Conference

### Rule 38

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

### Interpretation

### Rule 39

1. Speeches made in a language of the Conference shall be interpreted into the other languages.

2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the Secretariat may be based on the interpretation given in the first such language.

### Language of official documents

### Rule 40

Official documents shall be made available in the languages of the Conference.

### Sound recordings of meetings

### Rule 41

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Main Committee concerned, no such recordings shall be made of the meetings of a subsidiary body thereof.

### Summary records

### Rule 42

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees shall be prepared by the Secretariat in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit to the Secretariat corrections on summaries of their own interventions, in special circumstances, the presiding officer may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Separate corrigenda to provisional records shall not normally be issued.

2. The summary records, with any corrections incorporated, shall be distributed promptly to participants in the Conference.

## IX. PUBLIC AND PRIVATE MEETINGS

### Rule 43

1. The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the body concerned decides otherwise.

2. Meetings of other organs of the Conference shall be held in private.

## X. PARTICIPATION AND ATTENDANCE

### Rule 44

### 1. Observers

(a) Any other State which, in accordance with article IX of the Treaty, has the right to become a Party thereto but which has neither acceded it to nor ratified it may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference.[2] Such a State shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer State shall also be entitled to submit documents for the participants in the Conference.

(b) Any national liberation organization entitled by the General Assembly of the United Nations[3] to participate as an observer in the sessions and the work of the General Assembly, all international conferences convened under the auspices of the General Assembly and all international conferences convened under the auspices of other organs of the United Nations may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer organization shall also be entitled to submit documents to the participants in the Conference.

### 2. The United Nations and the International Atomic Energy Agency

The Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, or their representatives, shall be entitled to attend meetings of the plenary and of the Main Committees and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

### 3. Specialized agencies and international and regional intergovernmental organizations

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Forum, other international and regional intergovernmental organizations, the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization and any specialized agency of the United Nations may apply to the Secretary-General of the Conference for observer agency status, which will be accorded on the decision of the Conference. An observer agency shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees, other than those designated closed meetings, and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as conference documents.

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[2] It is understood that any such decision will be in accordance with the practice of the General Assembly.

[3] Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974, 3280 (XXIX) of 10 December 1974 and 31/152 of 20 December 1976.

4. Non-governmental organizations

Representatives of non-governmental organizations who attend meetings of the plenary or of the Main Committees will be entitled upon request to receive the documents of the Conference.

## Appendix

(to rule 12)

### SCHEDULE FOR THE DIVISION OF COSTS

1. The attached schedule shows the allocation of costs between States based on the participation of States in the first, second or third sessions of the Preparatory Committee.

2. The schedule for the actual division of costs will be subject to review in the light of participation of States in the Conference, except that the shares designated in the schedule with an asterisk will remain as shown in the schedule. The balance of costs will be divided among the other States Parties participating in the Conference in accordance with the United Nations assessment scale prorated to take into account differences between the United Nations membership and the number of States Parties participating in the Conference. For States Parties that are not members of the United Nations, the share will be determined on the basis of the similarly prorated scale in force for determining their share in the activities in which they take part.

## SCHEDULE

| | **Share of estimated total costs** (percentage) |
|---|---|
| Albania | 0.002 |
| Algeria | 0.063 |
| Angola | 0.007 |
| Antigua and Barbuda | 0.001 |
| Argentina | 0.805 |
| Armenia | 0.004 |
| Australia | 1.082 |
| Austria | 0.700 |
| Azerbaijan | 0.008 |
| Bahamas | 0.011 |
| Bahrain | 0.012 |
| Bangladesh | 0.007 |
| Belarus | 0.042 |
| Belgium | 0.806 |
| Benin | 0.001 |
| Bhutan | 0.001 |
| Bolivia | 0.005 |
| Bosnia and Herzegovina | 0.004 |
| Botswana | 0.007 |
| Brazil | 1.073 |
| Brunei Darussalam | 0.015 |
| Bulgaria | 0.008 |
| Burkina Faso | 0.001 |
| Cambodia | 0.001 |
| Cameroon | 0.009 |
| Canada | 1.993 |
| Cape Verde | 0.001 |
| Central African Republic | 0.001 |
| Chile | 0.099 |
| China | 0.910* |
| Colombia | 0.080 |
| Congo | 0.002 |
| Costa Rica | 0.012 |
| Côte d'Ivoire | 0.007 |
| Croatia | 0.022 |
| Cyprus | 0.025 |
| Czech Republic | 0.078 |
| Denmark | 0.505 |
| Djibouti | 0.001 |
| Dominican Republic | 0.011 |
| Ecuador | 0.015 |
| Egypt | 0.047 |
| El Salvador | 0.009 |
| Eritrea | 0.001 |
| Estonia | 0.009 |
| Ethiopia | 0.004 |
| Fiji | 0.003 |

| | Share of estimated total costs (percentage) |
|---|---|
| Finland | 0.396 |
| France | 7.140* |
| Georgia | 0.005 |
| Germany | 7.192 |
| Ghana | 0.005 |
| Greece | 0.256 |
| Guatemala | 0.013 |
| Guyana | 0.001 |
| Haiti | 0.001 |
| Holy See | 0.001 |
| Honduras | 0.002 |
| Hungary | 0.088 |
| Iceland | 0.023 |
| Indonesia | 0.137 |
| Iran (Islamic Republic of) | 0.117 |
| Iraq | 0.023 |
| Ireland | 0.163 |
| Italy | 3.967 |
| Jamaica | 0.004 |
| Japan | 15.011 |
| Jordan | 0.004 |
| Kazakhstan | 0.035 |
| Kenya | 0.005 |
| Kuwait | 0.093 |
| Kyrgyzstan | 0.004 |
| Lao People's Democratic Republic | 0.001 |
| Latvia | 0.012 |
| Lebanon | 0.012 |
| Lesotho | 0.001 |
| Liberia | 0.001 |
| Libyan Arab Jamahiriya | 0.090 |
| Liechtenstein | 0.004 |
| Lithuania | 0.011 |
| Luxembourg | 0.050 |
| Madagascar | 0.002 |
| Malawi | 0.001 |
| Malaysia | 0.134 |
| Maldives | 0.001 |
| Mali | 0.001 |
| Malta | 0.010 |
| Marshall Islands | 0.001 |
| Mauritania | 0.001 |
| Mauritius | 0.007 |
| Mexico | 0.726 |
| Micronesia (Federated States of) | 0.001 |
| Monaco | 0.003 |
| Mongolia | 0.001 |
| Morocco | 0.030 |
| Mozambique | 0.001 |

| | Share of estimated total costs (percentage) |
|---|---|
| Myanmar | 0.006 |
| Namibia | 0.005 |
| Nepal | 0.003 |
| Netherlands | 1.191 |
| New Zealand | 0.161 |
| Nicaragua | 0.001 |
| Niger | 0.001 |
| Nigeria | 0.023 |
| Norway | 0.445 |
| Oman | 0.037 |
| Panama | 0.009 |
| Papua New Guinea | 0.005 |
| Paraguay | 0.010 |
| Peru | 0.072 |
| Philippines | 0.059 |
| Poland | 0.143 |
| Portugal | 0.314 |
| Qatar | 0.024 |
| Republic of Korea | 0.734 |
| Republic of Moldova | 0.007 |
| Romania | 0.041 |
| Russian Federation | 8.000* |
| Samoa | 0.001 |
| San Marino | 0.001 |
| Saudi Arabia | 0.410 |
| Senegal | 0.004 |
| Singapore | 0.131 |
| Slovakia | 0.026 |
| Slovenia | 0.045 |
| Solomon Islands | 0.001 |
| South Africa | 0.260 |
| Spain | 1.890 |
| Sri Lanka | 0.009 |
| Sudan | 0.005 |
| Suriname | 0.003 |
| Swaziland | 0.001 |
| Sweden | 0.787 |
| Switzerland | 0.887 |
| Syrian Arab Republic | 0.047 |
| Tajikistan | 0.003 |
| Thailand | 0.124 |
| The former Yugoslav Republic of Macedonia | 0.003 |
| Togo | 0.001 |
| Trinidad and Tobago | 0.012 |
| Tunisia | 0.020 |
| Turkey | 0.321 |
| Turkmenistan | 0.004 |
| Uganda | 0.003 |
| Ukraine | 0.139 |

| | Share of estimated total costs<br>(percentage) |
|---|---|
| United Arab Emirates | 0.130 |
| United Kingdom of Great Britain and Northern Ireland | 6.130* |
| United Republic of Tanzania | 0.002 |
| United States of America | 32.820* |
| Uruguay | 0.035 |
| Uzbekistan | 0.018 |
| Vanuatu | 0.001 |
| Venezuela | 0.117 |
| Viet Nam | 0.005 |
| Yemen | 0.007 |
| Zambia | 0.001 |
| Zimbabwe | 0.007 |

# ANNEX VII

## PROVISIONAL AGENDA

## PROVISIONAL AGENDA

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.

2. Election of the President of the Conference.

3. Statement by the President of the Conference.

4. Address by the Secretary-General of the United Nations.

5. Address by the Director General of the International Atomic Energy Agency.

6. Submission of the final report of the Preparatory Committee.

7. Adoption of the rules of procedure.

8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.

9. Election of Vice-Presidents.

10. Credentials of representatives to the Conference:

    (a) Appointment of the Credentials Committee;

    (b) Report of the Credentials Committee.

11. Confirmation of the nomination of the Secretary-General.

12. Adoption of the agenda.

13. Programme of work.

14. Adoption of arrangements for meeting the costs of the Conference.

15. General debate.

16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

    (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

        (i) Articles I and II and preambular paragraphs 1 to 3;

        (ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII with specific reference to the main issues in (a) and (b);

(b) Security assurances:

(i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V.

(e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.

19. Consideration and adoption of Final Document(s).

20. Any other business.

# ANNEX VIII

# PROPOSED ALLOCATION OF ITEMS TO THE MAIN COMMITTEES OF THE CONFERENCE

# PROPOSED ALLOCATION OF ITEMS TO THE MAIN COMMITTEES OF THE CONFERENCE

1. The Preparatory Committee agreed to recommend for consideration by the Conference the following allocation of items to the three Main Committees, with the understanding that the remaining items would be considered in the plenary.

2. It is understood that all articles, preambular paragraphs and agenda items allocated to the Main Committees shall be reviewed in their interrelationship.

3. The Preparatory Committee recalled that the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.

4. The Preparatory Committee also noted that subsidiary bodies could be established within the Main Committees. Some delegations proposed the establishment of subsidiary bodies under Main Committee I on nuclear disarmament and under Main Committee II on the implementation of the resolution on the Middle East. Some delegations proposed that such decisions should be taken by the Review Conference. The Preparatory Committee decided that the question of the establishment of subsidiary bodies would be considered and resolved by the Review Conference.

## 1. Main Committee I

Item 16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

- (i) Articles I and II and preambular paragraphs 1 to 3;
- (ii) Article VI and preambular paragraphs 8 to 12;
- (iii) Article VII, with specific reference to the main issues considered in this Committee.

(b) Security assurances:

- (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
- (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

## 2. Main Committee II

Item 16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards, and nuclear-weapon-free zones:

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII.

(e) Other provisions of the Treaty.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

## 3. Main Committee III

Item 16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III(1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

NPT/CONF.2000/2*

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Implementation of the tenth preambular paragraph of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference

### Background paper prepared by the United Nations Secretariat

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* Reissued for technical reasons.

# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General to prepare for the Conference a background paper on the "implementation of the tenth preambular paragraph (comprehensive nuclear-test ban), reflecting developments since the 1995 Review and Extension Conference".

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review Process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

3. The present paper is submitted in response to that request. A detailed presentation of events that took place before May 1995 is contained in the background paper on the same subject prepared for the 1995 Review and Extension Conference (NPT/CONF.1995/2).

# II. Brief overview

4. The question of nuclear-weapon-test explosions represents one of the longest-standing issues on the disarmament agenda of the international community. It has been dealt with in the framework of multilateral, trilateral and bilateral negotiations since 1954, when India proposed a so-called "standstill agreement" on testing. Interest in the subject first arose as the general public became increasingly aware of the harmful nature and effects of the fallout from atmospheric nuclear tests and as it became apparent that no region could avoid being affected by radioactive fallout. The issue of the ban on nuclear-weapon tests was subsequently pursued intermittently as an element of comprehensive plans for arms control and disarmament, as a separate measure interlined with progress in other disarmament areas and as an arms limitation issue on its own. In each case, the question of verification has played an important role and has influenced the course and outcome of the negotiations.

5. It is estimated that from the beginning of the nuclear age, on 16 July 1945, when the first atomic test was carried out at Alamogordo, New Mexico, United States of America, to May 1998, some 2,000 nuclear test explosions were conducted in the world: by the United States, 1,032; the Soviet Union, 715; the United Kingdom of Great Britain and Northern Ireland, 45; France, 210; and China, 45.[1] In 1974, India announced that it had conducted an underground explosion of a nuclear device for peaceful purposes and in May 1998 that it had conducted five underground nuclear test explosions. Pakistan announced that it had conducted six nuclear test explosions in the same month.[2]

6. At the time of the 1995 Review and Extension Conference, three treaties on nuclear testing, none comprehensive, were in force: the multilateral Partial Test Ban Treaty of 1963 and the two bilateral treaties on limitation of yields of nuclear tests for military and peaceful purposes between the USSR and the United States.[3] The latter two treaties, signed, respectively in 1974 and 1976, entered into force in 1990 after intensive negotiations on verification provisions.

7. Although the Geneva multilateral negotiating body, the Conference on Disarmament and its predecessors,[4] had long been involved with the issue of a test ban, only in 1982 did it establish an Ad Hoc Committee on a Nuclear Test Ban. Disagreement over the mandate for that body, however, blocked tangible progress. It was only in August 1993 that the Conference on Disarmament agreed on a mandate for an ad hoc committee that allowed negotiations to begin in 1994 on a "universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects".[5] The negotiations resulted in the first

"rolling text" of a comprehensive test-ban treaty, which formed the basis for further elaboration and development.

8. Concerned about the slow pace of progress in the Conference on Disarmament towards a comprehensive test-ban treaty, a number of non-aligned countries States parties to the Partial Test-Ban Treaty proposed that a comprehensive test ban should be achieved by formally amending the Partial Test-Ban Treaty. Following up on an earlier initiative launched by Mexico in 1985, the General Assembly, on 4 December 1990, adopted resolution 45/50, on the convening of an Amendment Conference of the States Parties to the Partial Test-Ban Treaty. The Conference, which was held in January 1991, was unable to reach agreement on a procedure to amend the Treaty. A follow-up meeting held in August 1993 coincided with the adoption by the Conference on Disarmament of the mandate to initiate negotiations in the Ad Hoc Committee of the Conference.

9. Unilateral moratoriums have played an important role in the history of test-ban negotiations since the mid-1980s. In October 1991, the Soviet Union declared an immediate one-year unilateral moratorium on nuclear-weapon tests which was extended for several times and also observed by the Russian Federation. In April 1992, France suspended the testing of nuclear weapons, but resumed testing in September 1995. It stopped its nuclear testing programme in January 1996. The last nuclear test carried out by the United Kingdom of Great Britain and Northern Ireland was in November 1991 and that of the United States, in September 1992. China ended its nuclear-testing programme in July 1996.

10. The subject of a comprehensive test-ban treaty received prominent attention at the 1995 Review and Extension Conference of the Parties to the Non-Proliferation Treaty. Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted by the Conference lists as the first measure towards the implementation of article VI of the Non-Proliferation Treaty "the completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty no later than 1996. Pending the entry into force of a comprehensive test-ban treaty, the nuclear-weapon States should exercise utmost restraint."[6]

11. The General Assembly, at its fiftieth session, in 1995, adopted three resolutions on the subject of a nuclear test ban: the first on negotiations on a comprehensive test-ban treaty,[7] the second on nuclear testing[8] and the third on the Amendment Conference of the Parties to the Partial Test-Ban Treaty (see para. 8 above).[9]

## III. Main developments since the 1995 Review and Extension Conference

### A. Negotiations in the Conference on Disarmament

12. At the beginning of its 1996 annual session, the Conference on Disarmament re-established the Ad Hoc Committee on a Nuclear Test Ban with the same mandate as in 1994 and 1995. In accordance with that mandate, the Ad Hoc Committee continued, and further intensified, negotiation of the draft treaty with a view to enabling its signature by the outset of the fifty-first session of the General Assembly, as requested in its resolution 50/65 of 12 December 1995. In discharging its mandate, the Committee established two working groups: Working Group 1, on verification, and Working Group 2, on legal and institutional issues. In the course of the negotiations, the Committee appointed 12 Friends of the Chair and 5 Moderators to deal with specific issues in private and open-ended consultations.

13. At the first meeting of the Ad Hoc Committee, India provided new language on the preamble, entry into force and review, which emphasized the total elimination of nuclear weapons within a time-bound framework. The debates revealed a polarization of views. While Australia, Canada, the Russian Federation, the United Kingdom and the United States called for avoiding inclusion in the treaty of language that did not enjoy international consensus, many members of the Group of 21 strongly supported the thrust of the Indian proposal, stressing that the Comprehensive Nuclear-Test-Ban Treaty was the first multilateral nuclear disarmament treaty, not another non-proliferation treaty. For this reason they wanted to enshrine the elimination of nuclear weapons in a time-bound form.

14. Working Group 1 made intensive efforts towards finalizing treaty language on the verification regime in the rolling text. The Friends of the Chair held

consultations with delegations on the International Monitoring System, the International Data Centre and on-site inspections. As a result, at the end of March, the Chairman of the Working Group presented revised draft language on provisions on verification issues for inclusion in the rolling text. Working Group 2 focused its attention on legal and institutional aspects of the future organization to be entrusted with implementing the treaty. It considered, *inter alia*, the issues of entry into force, duration and withdrawal, review, composition of the Executive Council, measures to redress a situation contravening the treaty, national implementation measures including compliance, funding and the seat of the organization and its possible relationship to the International Atomic Energy Agency (IAEA). Following the discussion on these issues, the treaty language in the rolling text was substantially revised and refined.

15. In February 1996, draft treaty texts were submitted by both Australia and the Islamic Republic of Iran that were used by the Ad Hoc Committee as resource papers. At the end of the first part of the session, on 28 March, the Chairman submitted for the first time an "Outline of a draft comprehensive nuclear-test-ban treaty". The Chairman indicated that his aim was to show what a Comprehensive Nuclear-Test-Ban Treaty could look like and to highlight the key issues needing decisions. Various countries, including China and India, stressed nonetheless that they expected the Chairman to present a new rolling text at the second part of the session.

16. On 28 May, the Chairman presented a complete draft text of the treaty to the Committee. Some delegations, such as China, India and Pakistan, however, felt that they could not accept the draft text as a basis for negotiations and expressed the view that the rolling text should remain the basis document. India stated that the Chairman's draft treaty text did not meet its concerns about nuclear disarmament within a time-bound framework. It also said that it could not accept the language in the Chairman's text requiring it and 43 other countries to ratify the treaty for it to enter into force and that it would not accept any language that would affect its sovereign right to decide in the light of its national interests whether to accede to a treaty. Following the presentation of the draft text, the Committee, despite concerns expressed by some States, shifted into a new negotiating framework under the guidance of the Chairman and the Moderators. This methodology opened up a period of renewed political conceptual discussions of the main outstanding issues. On the closing day of the second part of the session, 28 June, the Chairman of the Ad Hoc Committee presented a revised draft treaty, expressing his conviction that convergence had reached its peak and recommending the draft treaty for consideration to delegations and to their capitals. Several States expressed their support for the text. A number of others reaffirmed their willingness to continue the negotiations until an agreement was reached on a consensus draft treaty. The Chairman also presented a revised "Draft text on the establishment of a preparatory commission", which had been prepared by one of the Friends of the Chair.

17. At the outset of the third part of the session, at the end of July, a considerable number of countries stated that in spite of reservations, they could accept the Chairman's text as it was, and that the Conference should seize the opportunity to forward it to the General Assembly for signature in September. A number of them expressed concern that any further negotiations might lead away from consensus down the "dangerous road to failure". Some other States, including China, Cuba, Egypt, the Islamic Republic of Iran and the Russian Federation, expressed reservations at least on parts of the text.

18. The Chairman conducted informal consultations and, on 9 August, reported that there was a general appreciation of the time constraints faced by the Committee for concluding a comprehensive nuclear-test-ban treaty if it was to be signed at the outset of the fifty-first session of the General Assembly. During those consultations, many members of the Group of 21 had wished to see a more prominent role for nuclear disarmament in the preamble. However, the Chairman clarified that the draft reflected the mandate of the negotiations and gave due weight to the process of nuclear disarmament and to the prevention of the proliferation of nuclear weapons. He concluded that further improvements to the preamble were not feasible.

19. The Chairman conducted a further round of consultations, which by and large confirmed his earlier conviction that convergence had reached its peak. Nevertheless, he felt that in one area there was still room for further modifications. Accordingly, he proposed a revised provision on on-site verification, which seemed essential to achieve final agreement on

the draft treaty. Subsequently, nearly all the members of the Committee made statements, expressing support, reservations or objections to the Chairman's text and to the proposal to transmit it to the Conference, which were recorded in the report of the Ad Hoc Committee. India reaffirmed its view that the text was only a "nuclear weapons test explosion ban treaty" and was not comprehensive. It left open the possibility of non-explosive testing and thus the qualitative improvement of nuclear weapons, risking another nuclear weapons technology race. The draft did not ensure that the comprehensive nuclear-test-ban treaty would be an irreversible step in a time-bound process of nuclear disarmament. Moreover, India opposed transmittal and was adamant that the language in the article on entry into force (article XIV) was unprecedented in treaty negotiating practice and would require it to sign against its will. The Ad Hoc Committee therefore concluded that no consensus for transmittal could be reached and thus referred its report to the Conference on Disarmament without the treaty attached. Thereupon, the delegation of Belgium, in its national capacity, undertook on 22 August to issue the treaty as a document of the Conference on Disarmament.[10]

20. After 20 years of activities, including three global technical tests in 1984, 1991 and 1995 (GSETT1-3) and the submission of reports to the Conference on Disarmament,[11] the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events (GSE) succeeded in designing and developing an international seismic network, the core monitoring technique of the future International Monitoring System. The Group held its forty-fifth and last session in August 1996.

## B. General Assembly

21. In a letter dated 22 August 1996,[12] Australia requested the President of the fiftieth session of the General Assembly to make arrangements for the Assembly to meet in plenary session to consider and take action on a comprehensive nuclear-test-ban treaty pursuant to General Assembly resolution 50/65. By that resolution, the Assembly had declared "its readiness to resume consideration of this item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty". Australia also submitted to the Secretary-General for circulation as official documents of the Assembly the text of a draft treaty, identical to the one circulated by Belgium in the Conference on Disarmament, and a draft resolution for adoption of the treaty and its opening for signature at the earliest possible date.[13]

22. On 29 August, India submitted a letter to the President of the General Assembly[14] in which it noted that resolution 50/65 referred to the texts of a comprehensive nuclear-test-ban treaty that was to be concluded by the Conference on Disarmament and that the treaty submitted by Australia "as a national paper" had not been adopted by consensus at the Conference. India considered therefore that the endorsement of any national document containing the non-consensus text would be contrary to the relevant provisions of resolution 50/65. In another letter to the President, India suggested changes to the preamble and the provisions on basic obligations and entry into force. Argentina, Japan and the Russian Federation, on the other hand, addressed letters to the Secretary-General or the President of the Assembly declaring their support for the draft text and the procedure for its consideration.[15]

23. On 9 September, the General Assembly agreed to Australia's request to resume consideration of the item dealing with the comprehensive nuclear-test-ban treaty and proceeded immediately to its consideration in plenary session. Australia, introducing the draft resolution sponsored by 127 Member States,[16] explained the reason for the procedural arrangement made to submit the draft treaty to the Assembly, namely, that the treaty had been overwhelmingly agreed to in the Conference on Disarmament and that only one State had not agreed to transmit it to the Assembly. Australia also underlined that those "particular or exceptional circumstances" should not set a precedent and expressed support for the operating procedures of the Conference on Disarmament, a point stressed by a large number of States. A very large number of delegates made statements supporting the adoption of the resolution and the draft comprehensive nuclear-test-ban treaty and reiterating a variety of reservations concerning the treaty text itself, many of which had already been expressed during negotiations in the Conference on Disarmament. India reiterated its objections to the draft treaty text, which it had made clear in the Conference on Disarmament. Pakistan stated that it was prepared to adopt the text of the resolution, but would not be able to sign the treaty as long as it experienced a security threat in its own

region. On 10 September, the Assembly adopted the draft resolution by 158 votes to 3, with 5 abstentions, thereby adopting the Comprehensive Nuclear-Test-Ban Treaty as resolution 50/245. Following the vote India declared that it would never sign this unequal treaty; the Libyan Arab Jamahiriya expressed the belief that the draft treaty fell short of the complete and comprehensive elimination of all nuclear weapons and tests.

24. The Comprehensive Nuclear-Test-Ban Treaty was opened for signature on 24 September 1996. It will enter into force 180 days after the date of deposit of the instruments of ratification by the 44 States listed in Annex 2 to the Treaty.[17] To date, the Treaty has been signed by 155 countries and ratified by 54. Of the 44 States whose signature and ratification are required for the Treaty to enter into force, 28 have ratified it, including France and the United Kingdom. The Treaty creates an international norm against testing. According to the Vienna Convention on the Law of Treaties, signatory States are obliged to refrain from acts that would defeat the object and purpose of the Treaty even before it has entered into force.[18]

## C. Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

### Mandate and establishment

25. On 19 November 1996, the Secretary-General, in his capacity as Depositary of the Comprehensive Nuclear-Test-Ban Treaty and pursuant to resolution 50/245, convened a meeting of States signatories of the Treaty in New York. The participating States, by their resolution of that date, approved the Text on the Establishment of a Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) for the purpose of carrying out the necessary preparations for the effective implementation of the Comprehensive Nuclear-Test-Ban Treaty and preparing for the first session of the Conference of States Parties to the Treaty.[19] Accordingly, the Preparatory Commission took up its work at the Vienna International Centre, the future seat of CTBTO, on 17 March 1997. The Preparatory Commission is an international organization financed by the States signatories according to the United Nations scale of assessment adjusted to take account of differences between United Nations membership and the States signatories, and timing of signature. It consists of two organs: a plenary body composed of all the States signatories — also known as the Preparatory Commission (PrepCom) — and the Provisional Technical Secretariat. At its resumed first session, the Preparatory Commission established Working Group A on budgetary and administrative matters and Working Group B on verification issues. At its second session, the Commission established the Advisory Group on financial, budgetary and associated administrative issues, in accordance with its financial regulations. Both working groups and the Advisory Group make proposals and recommendations for consideration and adoption by the Preparatory Commission at its plenary sessions. The budgets of the Preparatory Commission were: $27.7 million (1997), $58.4 million (1998) and $74.4 million (1999), and for 2000 the budget is $79.9 million. As of February 2000, the percentage of assessed contributions that had been paid was: 97.39 per cent (1997), 96.42 per cent (1998), 95.24 per cent (1999) and 29.10 per cent (2000). As of February 2000, 221 staff members from 66 States signatories were working in the Provisional Technical Secretariat.

### Global verification regime

26. Since its inception, the Preparatory Commission has concentrated on establishing the global verification regime mandated under article IV of the Treaty to verify compliance with the global prohibition on nuclear explosives testing set out under Article I. The regime will consist of an International Monitoring System, a consultation and clarification process, on-site inspections and confidence-building measures. At the entry into force of the Treaty, the global verification regime has to be capable of meeting the Treaty's verification requirements.

27. The objective of the International Monitoring System is to establish a worldwide network of 321 stations, in some 90 countries, to help detect, locate and identify the signals generated by a nuclear explosion, using four complementary technologies to distinguish between natural events and nuclear explosions. Fifty primary and 120 auxiliary seismological stations will be capable of detecting the seismic waves generated by an underground nuclear explosion. Eighty radionuclide stations, supported by 16 laboratories, will be capable of detecting minute quantities of gaseous fission products vented by a

nuclear explosion underground or under water or the unambiguous traces of radioactive particles and gases that are released into the atmosphere by atmospheric tests and carried great distances by the wind. Sixty infrasound stations will be capable of detecting the low-frequency sound produced by explosions in the atmosphere or near the ocean's surface. Eleven hydroacoustic monitoring stations will be capable of detecting explosions in or immediately above the oceans thousands of kilometres away. The monitoring stations will transmit, via satellite, the data generated by the four verification technologies to the International Data Centre, which is being progressively commissioned in Vienna as the nerve centre of the Treaty verification system. Its mission is to support the verification responsibilities of member States by providing objective products and services necessary for effective global monitoring. The data transmitted to the International Data Centre are processed, analysed and used to help detect, locate and characterize events and then made available to States parties for their review and final analysis. Ambiguous events will be subject to consultation and clarification. Once the Treaty enters into force, an on-site inspection may be mandated by the Executive Council of CTBTO as a final verification measure.

28. The International Monitoring System has been developed through negotiation and scientific evaluations, by GSE, so as to ensure cost-effective and comprehensive global coverage by the system's monitoring facilities. By February 2000, a total of 196 site surveys had been completed and 14 primary seismic stations, 29 auxiliary seismic stations, 3 infrasound stations and 4 radionuclide stations had been installed. Certification activities, including the installation of devices to ensure the authenticity and accuracy of the data generated at the stations and transmitted to and from the International Data Centre, had been initiated for six stations. The International Monitoring System offers training programmes for managers and operators of stations.

29. **International Data Centre**. The Centre draws upon the methodology, experience and software developed by the prototype International Data Center in Virginia, United States, set up under GSETT-3.[20] Although the Centre was undergoing software trials during the nuclear tests announced by India and Pakistan, the System was able to detect those events. On 21 February 2000, with data from some 100 monitoring stations, the Centre began providing initial services and distributing monitoring data and products to States signatories seven days a week. The Global Communications Infrastructure plays a critical role in the acquisition of System data from the 337 facilities as well as the dissemination of those data and Centre products to States signatories. The Centre holds training programmes for prospective analysts and staff of national data centres.[21]

30. **On-site inspection**. The on-site inspection regime as defined by the Treaty is unique: every inspection will be a challenge inspection, as there are no routine inspections. While the challenge inspections can only be mandated once the Treaty enters into force, the Preparatory Commission has been endeavouring to define and build up its inspection capabilities in accordance with Treaty requirements. This involves the development of a draft concept of operations and a draft operational manual, designation of inspection equipment, acquisition of a limited amount of such equipment and introducing training and exercise programmes to develop a cadre of potential inspectors.[22]

31. Confidence-building measures stipulated by the Treaty are of a voluntary nature. At its session in August 1999, the Preparatory Commission agreed on the establishment of a database on chemical explosions, thereby creating the basic technical conditions for the implementation of the regime of confidence-building measures after the entry into force of the Treaty.[23]

### Other activities

32. The Provisional Technical Secretariat has instituted a programme of international cooperation to highlight not only the fundamental importance of the Comprehensive Nuclear-Test-Ban Treaty in promoting global peace and security and the potential for pooling expertise in station operation and data analysis, but also the possible spin-off uses and additional scientific benefits of the four verification technologies.

## D. Nuclear tests

33. On 11 and 13 May 1998, India announced that it had conducted five underground nuclear test explosions. Pakistan then announced on 28 and 30 May that it had conducted six nuclear tests. The tests were

the first since the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty in September 1996 and the de facto moratorium on nuclear testing that had been in existence since then. There was considerable concern about the effects these developments would have on the long-term viability of the non-proliferation regime and international peace and stability, at both regional and global levels. Following the first series of tests and subsequent events, the Secretary-General of the United Nations issued a number of statements in which he deplored the tests, called upon the two States to sign the Comprehensive Nuclear-Test-Ban Treaty, noted that those developments had far-reaching consequences for the region and the international community and urged the two States to exercise restraint and to reduce the high level of tension between them.[24] Both the Chairman and the Executive Secretary of the Preparatory Commission issued statements appealing to all parties concerned in the region for restraint and urging both countries to join the Comprehensive Nuclear-Test-Ban Treaty without delay and unconditionally. At the sixth session of the Preparatory Commission, the States signatories expressed deep concern and regret with regard to the nuclear tests carried out by India and Pakistan, noting that they were contrary to the goal of non-proliferation of nuclear weapons and nuclear disarmament.

34. At the Conference on Disarmament, 47 member States and observers emphasized in a joint statement[25] that the nuclear tests by India and Pakistan blatantly undermined the international regime of non-proliferation of nuclear weapons as well as the goal of eliminating them. Both countries were urged to immediately announce the cessation of all further testing of those weapons, renounce their nuclear weapons programmes, sign and ratify unconditionally the Comprehensive Nuclear-Test-Ban Treaty, accede without delay to the Treaty on the Non-Proliferation of Nuclear Weapons and engage in negotiations to conclude a ban on the production of fissile material. Brazil, Mexico and South Africa stressed that the new situation created by the tests clearly called for a change in attitudes, underscored the need for clear and unambiguous and binding commitments to a phased programme for the complete elimination of nuclear weapons on the part of all States possessing those weapons as the best guarantee against nuclear proliferation, and called for the urgent establishment of an ad hoc committee on nuclear disarmament.[26]

Following the tests, both India and Pakistan explained their positions. India stressed that the tests had proved its capability for a weaponized nuclear programme and provided it with a database that would be useful in designing nuclear weapons of different yields for different applications and delivery vehicles. It also announced that it was prepared to consider adhering to some of the undertakings of the Comprehensive Nuclear-Test-Ban Treaty and reaffirmed its policy of utmost control over the export of sensitive technologies, equipment and commodities, especially those related to weapons of mass destruction.[27] Pakistan pointed out that India's tests had destabilized the security balance in South Asia and that Pakistan was obliged to establish the balance of mutual deterrence by its own tests; it was not seeking nuclear-weapon status. It maintained that its attitude towards the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty and the fissile material negotiations would depend on whether or not the international community was ready to accept India as a nuclear-weapon State and on the degree of weaponization and size and quality of its fissile material.[28]

35. In June 1998, the Ministers for Foreign Affairs of the five permanent members of the Security Council issued a joint communiqué[29] in which they condemned the tests and called upon India and Pakistan to adhere immediately and unconditionally to the Comprehensive Nuclear-Test-Ban Treaty, to participate in negotiations on a fissile material cut-off convention in the Conference on Disarmament and to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them. With regard to the non-proliferation regime, the Ministers reaffirmed the need for adherence by all countries, including India and Pakistan, to the Non-Proliferation Treaty as it stood, without any modification, stressing that India and Pakistan did not have the status of nuclear-weapon States in accordance with the Non-Proliferation Treaty.

36. The Security Council, by its resolution 1172 (1998), adopted unanimously on 6 June 1998, *inter alia*, reaffirmed its full commitment to and the crucial importance of the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential

foundations for the pursuit of nuclear disarmament; expressed its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated and recalled that, in accordance with the Non-Proliferation Treaty, India or Pakistan could not have the status of nuclear-weapon State. The Council furthermore recognized that the tests conducted by India and Pakistan constituted a serious threat to global efforts towards nuclear non-proliferation and disarmament, and urged India and Pakistan, and all other States that have not yet done so, to become Parties to the Non-Proliferation Treaty and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions. The Council set out a number of steps to be undertaken by the two countries, including to immediately stop their nuclear weapons development programmes, to refrain from weaponization or from the deployment of nuclear weapons and to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons.

37. Both India and Pakistan rejected the resolution. India argued that it was coercive and unhelpful, and that a global and comprehensive approach towards the adoption of a nuclear weapons convention in the shortest possible time was essential. Pakistan stressed that it would have expected the Security Council to address the issues related to promoting nuclear restraint and stabilization measures between itself and India. In a letter dated 8 July addressed to the President of the Security Council, the Secretary-General informed the Council of the proposals and positions expressed by India and Pakistan as well as the results of his own efforts to encourage a dialogue between the two countries.[30]

38. The Group of Eight Major Industrialized Nations, the European Union, the Agency for the Prohibition of Weapons in Latin America (OPANAL), the Central American Integrated System, the Association of South-East Asian Nations (ASEAN), the South Pacific Forum and the Gulf Cooperation Council condemned the nuclear tests and most of them endorsed the steps called for in the resolution of the Security Council. Several members imposed economic sanctions on both countries. The Heads of State or Government of the Non-Aligned Countries, at their Summit Conference held in Durban, South Africa, in September 1998, in their Declaration for the New Millennium, noted, *inter alia*, the complexities arising from nuclear tests in South Asia and considered positively the commitment by the parties concerned in the region to exercise restraint and to discontinue nuclear tests.[31] The General Conference of IAEA strongly deplored the tests and called upon the States concerned to conclude promptly, consistent with their safeguards commitments and pending their adherence to the Non-Proliferation Treaty, the additional protocols to Safeguards Agreements.[32]

39. Since the testing, both India and Pakistan have each announced a unilateral moratorium. India also conveyed its willingness to explore ways and means of converting that undertaking into a *de jure* obligation. Both have agreed to participate in negotiations in the Conference on Disarmament on a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices. They have also engaged in bilateral discussions on the issues with key interlocutors. Moreover, India offered to enter into discussions on an agreement on the "no-first-use" of nuclear weapons. Pakistan for its part has indicated readiness to engage with India and other members of the international community to formalize its moratorium and to reach agreement with India on a bilateral nuclear-test ban or a wider ban involving other countries in the region.[33]

40. In a statement issued on 23 September 1999, the Ministers for Foreign Affairs of the five permanent members of the Security Council called upon India and Pakistan to exercise restraint and refrain from taking any action that might further escalate the tensions in the region. They urged both countries to resume bilateral dialogue in the spirit of the Lahore Declaration signed on 21 February 1999 and to resolve their differences through peaceful means. They also called upon India and Pakistan to implement comprehensively and without delay all the provisions of Security Council resolution 1172 (1998), in particular signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty and acceding to the Non-Proliferation Treaty.[34]

41. At the fifty-third session of the General Assembly, in 1998, the Prime Minister of India declared India's readiness to bring its ongoing discussions on the Comprehensive Nuclear-Test-Ban Treaty to a successful conclusion so that its entry into force would not be delayed beyond September 1999. He expressed the expectation that other countries, as indicated in article XIV of the Treaty, would adhere to

it without conditions.[35] The Prime Minister of Pakistan reiterated that his country was prepared to adhere to the Treaty before the conference on facilitating its entry into force "scheduled to be held in September 1999".[36] India has been continuing discussions with key interlocutors on a range of issues. Pakistan has reiterated on several occasions that its adherence to the Treaty would take place only in conditions free from coercion.[37] The Foreign Minister of Pakistan stated in November 1999 that his Government had urged the local press and non-governmental organizations to play an important role in shaping a national consensus on the Treaty. Indian officials have also reiterated on several occasions the need to build a "national consensus" on signing the Treaty.

## E. Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

42. Article XIV, paragraph 2, of the Treaty stipulates that if it has not entered into force three years after the date of the anniversary of its opening for signature, the Secretary-General, in his capacity as depositary of the Treaty, shall convene a conference at the request of a majority of States that have already deposited their instruments of ratification to consider and decide by consensus what measures consistent with international law may be taken to accelerate the ratification process and to facilitate the early entry into force of the Treaty.

43. Accordingly, on 24 September 1999, a majority of those States that had already deposited their instruments of ratification communicated to the Secretary-General a request to convene the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty. Ratifying and signatory States were invited to participate. States that had neither signed nor ratified, intergovernmental organizations and non-governmental organizations were also invited to attend the Conference.

44. In a joint statement issued before the Conference, the Ministers for Foreign Affairs of the five permanent members of the Security Council stressed, *inter alia*, that they believed that the Comprehensive Nuclear-Test-Ban Treaty was a milestone in the process of nuclear disarmament and non-proliferation, and supported its early entry into force in accordance with its provisions. They hoped that the Conference on Facilitating the Entry into Force of the Treaty, which would be convened in accordance with its article XIV, would contribute to accelerating the ratification process in order to facilitate the early entry into force of the Treaty.[38]

45. The Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty was held at Vienna from 6 to 8 October 1999. It was attended by 92 ratifying and signatory States and 4 non-signatory States, as well as 3 intergovernmental organizations and 13 non-governmental organizations.[39] The purpose of the Conference was to examine the extent to which the requirement for the entry into force of the Treaty had been met and to agree on measures consistent with international law to accelerate its ratification. During the Conference, speakers emphasized the urgent necessity of the early entry into force of the Treaty to fulfil the pledges made when it was adopted and opened for signature, in September 1996. They underlined that entry into force would give fresh impetus to efforts to prevent the proliferation of nuclear weapons and to the process of nuclear disarmament. Many speakers stressed the importance of universal adherence to the Treaty and of the global verification system being built up by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. Several speakers referred to the dangers of reviving another nuclear arms race. It was also observed that unilateral self-imposed moratoriums on testing could not replace a legally binding commitment through the signature and ratification of international instruments such as the Comprehensive Nuclear-Test-Ban Treaty. The Final Declaration[40] adopted by consensus reflects the unanimous agreement of the participants on the steps required to achieve the early entry into force of the Treaty, and ultimately to achieve its universality.

46. In the course of consultations that followed the Conference, ratifying States nominated Japan to act in accordance with paragraph 7 (g) of the Declaration, which stipulates that ratifying States will select one of their number to promote cooperation to facilitate the early entry into force of the Treaty, through informal consultations with all interested countries.

## F. Developments regarding the entry into force of the Comprehensive Nuclear-Test-Ban Treaty

47. On 8 October 1999, the Head of State of France and the heads of Government of Germany and the United Kingdom of Great Britain and Northern Ireland issued a joint comment appealing to the United States Senate that failure to ratify the Comprehensive Nuclear-Test-Ban Treaty would be a failure in the struggle against proliferation. The stabilizing effect of the Non-Proliferation Treaty, which had been extended in 1995, would be undermined and disarmament negotiations would suffer. They also stressed that the Comprehensive Nuclear-Test-Ban Treaty was an additional barrier against the proliferation of nuclear weapons. They furthermore underlined that the Treaty was effectively verifiable and that under it, a global network of stations was being set up, using four different technologies to identify nuclear tests. Rejection of the treaty by the Senate would remove the pressure from other States still hesitating about whether to ratify it. It would also give great encouragement to proliferators and would expose a fundamental divergence within the North Atlantic Treaty Organization.[41]

48. On 13 October 1999, the United States Senate by a vote of 51-48 rejected the ratification of the Comprehensive Nuclear-Test-Ban Treaty. Following the vote, President Clinton stressed that with the vote the Senate had taken the United States on a detour, but that eventually the United States would ratify the Treaty. He underlined that the opponents of the Treaty had not offered any alternatives on how to keep other countries from developing nuclear arsenals and threatening the security of the United States. He also affirmed that under his presidency the United States would not conduct any new nuclear tests, and he hoped that other countries as well would refrain from nuclear testing.[42]

49. President Jiang of the People's Republic of China, in October 1999, while voicing concern over the United States Senate vote, reaffirmed his country's aim to ratify the Comprehensive Nuclear-Test-Ban Treaty. On 17 November 1999, the President of the Russian Federation submitted the Treaty for ratification by the State Duma of the Federal Assembly of the Russian Federation, expressing the hope that the Duma would give favourable consideration to the question in the very near future.[43]

50. At the deliberations during the fifty-fourth session of the General Assembly in 1999, Member States expressed concern about the United States Senate's rejection of the Comprehensive Nuclear-Test-Ban Treaty and viewed it as a serious setback to multilateral efforts to further strengthen the nuclear non-proliferation and disarmament regime. At the same time, the announcement by the United States Government that it would maintain its moratorium on testing was welcomed. Many States called for renewed efforts to increase adherence to the Treaty. The General Assembly, in its resolution 54/63 of 1 December 1999 on the Comprehensive Nuclear-Test-Ban Treaty,[44] *inter alia*, endorsed the Final Declaration adopted at the Conference in Vienna and urged all States to sustain the momentum generated by the Conference by continuing to remain seized of the issue at the highest political level. All States that had not yet done so were called upon to sign and ratify the Treaty and to accelerate their ratification processes with a view to their early successful conclusion. The Assembly furthermore welcomed the contributions by States signatories to the work of the CTBTO Preparatory Commission, in particular to its efforts to ensure that the Treaty's verification regime would be capable of meeting the verification requirements of the Treaty at its entry into force, in accordance with article IV of the Treaty. Finally, States were urged to maintain their moratoriums on nuclear-weapon-test explosions or any other nuclear explosions.

*Notes*

[1] *SIPRI Yearbook 1997*, chap. 12, appendix 12B, pp. 432-436.

[2] A/53/427.

[3] Namely: Treaty on the Limitation of Underground Nuclear Weapon Tests and Treaty on Underground Nuclear Explosions for Peaceful Purposes.

[4] The single multilateral negotiating body started as the Eighteen-Nation Committee on Disarmament in 1962. It was enlarged several times, and in 1969 the name was changed to "Conference of the Committee on Disarmament". In 1978, the Committee on Disarmament was established and its name changed again in 1984 to "Conference on Disarmament". In the present paper, references are made to the body according to the name at the particular time under consideration.

[5] CD/1228.

[6] Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" (NPT/CONF.1995/32 (Part I), annex), para. 4.

[7] Resolution 50/65 was adopted without a vote.

[8] Resolution 50/70 A was adopted by 85 votes to 18, with 43 abstentions.

[9] Resolution 50/64 was adopted by 110 votes to 4, with 45 abstentions.

[10] CD/1427.

[11] CD/1422 and CD/1423.

[12] A/50/1024.

[13] A/50/1027.

[14] A/50/1030.

[15] A/50/1031 (Argentina), A/50/1026 (Japan), and A/50/1032 (Russian Federation).

[16] A/50/L.78.

[17] Those States are: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Democratic Republic of the Congo (formerly Zaire), Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet Nam.

[18] *United Nations, Treaty Series*, vol. 1155, p. 331, article 18.

[19] CTBT/MSS/RES/1.

[20] See statement of the Executive Secretary of the CTBTO Preparatory Commission to the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, 6 October 1999.

[21] Ibid.

[22] Statement of the Executive Secretary of the CTBTO Preparatory Commission to the First Committee of the General Assembly at its fifty-fourth session, 19 October 1999 (A/C.1/54/PV.11).

[23] Statement and document CTBT-Art.XIV/1999/3.

[24] Some of the statements of the Secretary-General are reproduced in S/1998/619, and in press releases SG/SM/655, SG/SM/6560, SG/SM/6575, SG/SM/6577, SG/SM/6585 and SG/SM/6708.

[25] CD/1556.

[26] CD/PV.792.

[27] CD/1504 and Add.1.

[28] CD/PV.795, p. 54.

[29] S/1998/473.

[30] S/1998/619.

[31] A/53/667-S/1998/1071.

[32] GC(42)RES/19.

[33] CD/1523, CD/1524 and A/53/PV.13, p. 18; CD/PV.795.

[34] S/1999/996.

[35] A/53/PV.13.

[36] A/53/PV.12.

[37] See statement at the Conference on Facilitating the Entry Into Force of the Comprehensive Nuclear-Test-Ban Treaty.

[38] S/1999/996.

[39] See Report of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, document CTBT-Art.XIV/1999/5.

[40] Ibid., annex.

[41] See *The New York Times*, 8 October 1999.

[42] The White House, Office of the Press Secretary, 13 October 1999.

[43] A/54/644.

[44] Resolution 54/63 was adopted by 137 votes to none, with 6 abstentions.

## ANNEX[*]

## Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

### (Vienna, 1999)

## FINAL DECLARATION

1. Recalling the responsibilities which we assumed by signing the Comprehensive Nuclear-Test-Ban Treaty and pursuant to Article XIV of that Treaty, we the ratifiers, together with the Signatory States, met in Vienna from 6-8 October 1999 to promote its entry into force at the earliest possible date. We welcomed the presence of representatives of non-Signatory States, international organizations and non-governmental organizations.

2. Determined to enhance international peace and security throughout the world, we reaffirmed the importance of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty. We reiterated that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects and thus a meaningful step in the realization of a systematic process to achieve nuclear disarmament. We therefore renewed our strong determination to work for universal ratification of the Treaty, and its early entry into force as provided for in Article XIV.

3. In accordance with the provisions of Article XIV of the Treaty, we examined the extent to which the requirement set out in paragraph 1 had been met and decided by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty.

4. Since the Treaty was adopted at the United Nations General Assembly and opened for signature three years ago, 154 States have signed and 51 States have deposited their instruments of ratification. Of the 44 States listed in Annex 2 to the Treaty whose ratification is required for the entry into force of the Treaty, 41 have signed, and 26 have both signed and ratified the Treaty. A list of those States is provided in the Appendix. The ratification process has accelerated. We welcomed this as evidence of the determination of States not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under their jurisdiction or control.

5. Since the opening for signature of the CTBT, nuclear explosions have been carried out. The countries concerned subsequently declared that they would not conduct further nuclear explosions and indicated their willingness not to delay the entry into force of the Treaty.

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[*] Originally issued under the symbol A/54/514-S/1999/1102.

6. We noted with satisfaction the report of the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) to the Conference on progress made by the Preparatory Commission and its Provisional Technical Secretariat since November 1996 in fulfilment of the requirement to take all necessary measures to ensure the effective establishment of the future CTBTO.

7. Conscious of the objectives we all share and of the importance of universal adherence to the Treaty, welcoming the ratifications of all the States that have done so, and stressing particularly the steps required to achieve its early entry into force, as provided for in Article XIV of the Treaty, we:

(a) Call upon all States that have not yet signed the Treaty to sign and ratify it as soon as possible and refrain from acts which would defeat its object and purpose in the meanwhile;

(b) Call upon all States that have signed but not yet ratified the Treaty, in particular those whose ratification is needed for its entry into force, to accelerate their ratification processes with a view to their early successful conclusion;

(c) Recall the fact that two States whose ratification is needed for the Treaty's entry into force but which have not yet signed it have expressed their willingness not to delay the entry into force of the Treaty, and call upon them to fulfil these pledges;

(d) Note the fact that one State whose ratification is needed for the Treaty's entry into force but which has not yet signed it has not expressed its intention towards the Treaty, and call upon this State to sign and ratify it so as to facilitate the entry into force of the Treaty;

(e) Note the ratification by two nuclear weapon States, and call upon the remaining three to accelerate their ratification processes with a view to their early successful conclusion;

(f) In pursuit of the early entry into force of the Treaty, undertake ourselves to use all avenues open to us in conformity with international law, to encourage further signature and ratification of the Treaty; and urge all States to sustain the momentum generated by this Conference by continuing to remain seized of the issue at the highest political level;

(g) Agree that ratifying States will select one of their number to promote cooperation to facilitate the early entry into force of the Treaty, through informal consultations with all interested countries;

(h) Urge all States to share legal and technical information and advice in order to facilitate the processes of signature, ratification and implementation by the States concerned, and upon their request. We encourage the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Secretary-General of the United Nations to support actively these efforts consistent with their respective mandates;

(i) Call upon the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to continue its international cooperation activities demonstrating the benefits of the application of verification technologies for peaceful purposes in accordance with the provisions of the Treaty, thus encouraging signature and ratification of the Treaty by the States concerned;

(j) Appeal to all relevant sectors of civil society to raise awareness of and support for the objectives of the Treaty, as well as its early entry into force as provided for in Article XIV of the Treaty.

8. We reaffirm our commitment to the Treaty's basic obligations and our undertaking to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force.

9. We remain steadfast in our commitment to pursue the efforts to ensure that the Treaty's verification regime shall be capable of meeting the verification requirements of the Treaty at entry into force, in accordance with the provisions of Article IV of the Treaty. We will continue to provide the support required to enable the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to complete its tasks.

10. The Conference addressed the issue of possible future conferences and took note of the provisions contained in paragraph 3 of Article XIV of the Treaty.

# Appendix

## to the Final Declaration of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (Vienna, 1999)

### List of States

**A. States which have ratified the Treaty:**

Argentina
Australia
Austria
Azerbaijan
Belgium
Bolivia
Brazil
Bulgaria
Canada
Czech Republic
Denmark
El Salvador
Estonia
Fiji
Finland
France
Germany
Greece
Grenada
Hungary
Ireland
Italy
Japan
Jordan
Lesotho
Luxembourg
Mali
Mexico
Micronesia
  (Federated States of)
Monaco
Mongolia
Netherlands
New Zealand
Norway
Panama
Peru
Poland
Qatar
Republic of Korea
Romania
Senegal
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland
Tajikistan
Turkmenistan
United Kingdom of Great
  Britain and Northern Ireland
Uzbekistan

**B. The following 44 States, whose ratification is required for the entry into force of the Treaty in accordance with Article XIV, are listed in Annex 2 to the Treaty:**

Algeria
Argentina
Australia
Austria
Bangladesh
Belgium
Brazil
Bulgaria
Canada
Chile
China
Colombia
Democratic People's
  Republic of Korea
Democratic Republic
  of the Congo
Egypt
Finland
France
Germany
Hungary
India
Indonesia
Iran (Islamic Republic of)
Israel
Italy
Japan
Mexico
Netherlands
Norway
Pakistan
Peru
Poland
Republic of Korea
Romania
Russian Federation
Slovakia
South Africa
Spain
Sweden
Switzerland
Turkey
Ukraine
United Kingdom of Great
  Britain and Northern Ireland
United States of America
Viet Nam

1. **States listed in Annex 2 to the Treaty which have signed and ratified the Treaty:**

   Argentina
   Australia
   Austria
   Belgium
   Brazil
   Bulgaria
   Canada
   Finland
   France
   Germany
   Hungary
   Italy
   Japan
   Mexico
   Netherlands
   Norway
   Peru
   Poland
   Republic of Korea
   Romania
   Slovakia
   South Africa
   Spain
   Sweden
   Switzerland
   United Kingdom of Great Britain and Northern Ireland

2. **States listed in Annex 2 to the Treaty which have signed but not ratified the Treaty:**

   Algeria
   Bangladesh
   Chile
   China
   Colombia
   Democratic Republic of the Congo
   Egypt
   Indonesia
   Iran (Islamic Republic of)
   Israel
   Russian Federation
   Turkey
   Ukraine
   United States of America
   Viet Nam

3. **States listed in Annex 2 to the Treaty which have not signed the Treaty:**

   Democratic People's Republic of Korea
   India
   Pakistan

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 March 2000

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24 April-19 May 2000

## Implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference

**Background paper prepared by the United Nations Secretariat**

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# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General to prepare for the Conference a background paper on the implementation of articles I and II, drawing on the relevant discussions and results of all prior Review Conferences and taking into account recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by the International Atomic Energy Agency (IAEA) on article III of the Treaty.

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review Process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

3. The present paper is submitted in response to that request. A detailed presentation of events that took place before May 1995 is contained in the background paper on the same subject prepared for the 1995 Review and Extension Conference (NPT/CONF.1995/3).

4. As articles I and II define, respectively, the basic obligations of the nuclear-weapon States and the non-nuclear-weapon States parties to the Treaty,[1] their strict observance is central to the achievement of the goals of the Treaty. This has been underscored at each of the prior Review Conferences held since the entry into force of the Treaty.

# II. Review of the implementation of articles I and II at prior Review Conferences

5. In the Final Declaration of the First Review Conference (1975),[2] which was adopted by consensus, the participants stated that the obligations undertaken under articles I and II of the Treaty had been faithfully observed by all parties, and that the continued strict observance of those articles remained central to the shared objective of averting the further proliferation of nuclear weapons.

6. At the Second Review Conference (1980), no final declaration was adopted. In the general debate,[3] however, several parties made explicit comments on the implementation of articles I and II of the Treaty and noted that there had been no complaints or suggestions that States parties to the Treaty had failed to carry out obligations they had assumed. Nevertheless, concern was expressed about the increasing capability of some non-parties to the Treaty to develop nuclear weapons. Subsequently, in Main Committee I of the Conference,[4] mention was made of the need to strengthen the implementation of the basic provisions of the Treaty. In that connection, it was emphasized that the fulfilment of the Treaty's objectives demanded that no party should in any way assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over them.

7. At the Third Review Conference (1985), in the Final Declaration,[5] which was adopted by consensus, the parties to the Treaty reiterated that the strict observance of the terms of articles I and II remained central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security, including to the peace and security of non-parties. They further stated:

> "The Conference acknowledged the declarations by nuclear-weapon States party to the Treaty that they had fulfilled their obligations under article I. The Conference further acknowledged the declarations that non-nuclear-weapon States party to the Treaty had fulfilled their obligations under

article II. The Conference was of the view therefore that one of the primary objectives of the Treaty had been achieved in the period under review."

8. The Conference also expressed deep concern that the national nuclear programmes of some States not party to the Treaty might lead them to obtain a nuclear-weapon capability and in that connection it stated that any further detonation of a nuclear explosive device by any non-nuclear-weapon State would constitute a most serious breach of the non-proliferation objective.

9. At the Fourth Review Conference (1990), no final declaration was adopted. In the general debate[6] and, subsequently, in Main Committee I,[7] participants once again recognized that the full and effective implementation of the Treaty played a major role in promoting international peace and security. They reaffirmed their determination to prevent the proliferation of nuclear weapons, which would lessen the security of all States and increase the risk of nuclear war. The positive developments in the international situation since the Third Review Conference, especially in the East-West context and the relations between the Union of Soviet Socialist Republics and the United States of America, were welcomed and the hope was expressed that that trend would be strengthened and become worldwide. There was agreement that the strict observance of the terms of articles I and II made a vital contribution to peace and security, including the peace and security of non-parties. Declarations were made by nuclear-weapon States and non-nuclear-weapon States that they had fulfilled their obligations under article I and article II, respectively. However, deep concern was expressed once again that the national nuclear programmes of some States not party to the Treaty might lead them to develop a nuclear-weapon capability. Some participants saw the need for all States parties to continue to make every effort to ensure an effective implementation of export controls on items possibly destined for use in such nuclear programmes.

10. The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, on 11 May, adopted decisions on the "Extension of the Non-Proliferation Treaty", on "Strengthening the Review Process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" as well as the "Resolution on the Middle East". In the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", the Conference, reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control, affirmed, *inter alia*, the need to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty. With regard to the universality of the Treaty, the States parties stressed that "universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective."[8] They also underlined that "the proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty."[9]

11. At the 1995 Review and Extension Conference, no final declaration on the review of the operation of the Treaty was adopted. In the general debate[10] and, subsequently, in Main Committee I,[11] participants reaffirmed that the full and effective implementation of the Treaty and the regime of non-proliferation in all its aspects played a vital role in promoting international peace and security. The Conference therefore welcomed the accession of 38 States to the Non-Proliferation Treaty since 1990. The participants noted with satisfaction that as a result, the vast majority of States Members of the United Nations, including all five nuclear-weapon States, as defined in article IX, had become parties to the Treaty. Participants also noted with satisfaction the significant contribution of those States to nuclear disarmament and the strengthening of regional and global security. Furthermore, they believed that those actions had strengthened the Treaty, and called upon other States non-parties to accede to it without delay. They remained convinced that full compliance of all parties with, and universal adherence to, the Treaty was the best way to prevent the spread of nuclear weapons and other nuclear explosive devices, without hampering the

peaceful uses of nuclear energy by non-nuclear-weapon States parties to the Treaty. Such proliferation would add immeasurably to regional and international tensions. It would increase the risk of nuclear war and endanger the security of all States.

12. States parties reiterated the concerns and reaffirmed the convictions expressed in the first to third preambular paragraphs of the Non-Proliferation Treaty and agreed that they remain valid. They further reaffirmed their conviction that proliferation of nuclear weapons, in any form, would seriously increase the danger of nuclear war. In that light, the statement of 31 January 1992 made by the President of the United Nations Security Council on behalf of the Council that "the proliferation of all weapons of mass destruction constitutes a threat to international peace and security" was welcomed.[12]

13. States parties acknowledged the declarations by the nuclear-weapon States that they had fulfilled their obligations under article I and underscored the need for the nuclear-weapon States to remain in full compliance with the letter and the spirit of that article. It was recalled that the prohibition of the transfer of nuclear weapons and nuclear explosive devices included transfers between nuclear-weapon States. It was further acknowledged that the non-nuclear-weapon States had fulfilled their obligations under article II, with exceptions that had been noted by the international community. Participants underlined the vital need for the nuclear-weapon States and the non-nuclear-weapon States parties to the Treaty to comply scrupulously and unreservedly with their respective obligations under articles I and II in all their activities and programmes in order not to undermine the confidence of other parties in the security offered to them by their commitment to the Treaty.

14. States parties expressed serious concern that the nuclear programmes of certain States non-parties to the Treaty might, particularly in the Middle East and South Asia, have led them to obtain, or seek to obtain, a nuclear-weapons capability. Those actions, it was stressed, were prejudicial to international peace and security. Participants called upon all States parties to undertake a total and complete prohibition of the transfer of all sensitive nuclear technology to States non-parties and to refrain from extending to them assistance in the nuclear field. They furthermore called upon all States non-parties to renounce the nuclear-weapons option, to accede to the Treaty and to accept full-scope IAEA safeguards on all their nuclear activities as an important confidence-building measure and as a step towards the universality of the Treaty, thus enhancing international peace and security.

15. The deliberations revealed, however, that there were various interpretations among States parties of the implementation of certain aspects of articles I and II, especially regarding the obligations of nuclear-weapon States parties among themselves and when acting in cooperation with groups of nuclear-weapon States parties and non-nuclear-weapon States parties under regional arrangements which might have resulted in the transfer of nuclear weapons in violation of the spirit and objective of article I. In that connection, some participants noted with grave concern the nuclear collaboration among certain nuclear-weapon States and their collaboration with certain States non-parties to the Treaty, as well as the transfer of nuclear weapons and their control to States parties, under regional security alliances and arrangements. Other States parties held that existing security arrangements were implemented in full compliance with articles I and II of the Treaty and that there was no collaboration with certain non-parties to the Treaty that was incompatible with the spirit and letter of the Treaty. The participants called upon all States parties to renew their commitment to the Treaty and to maintain their vigilance so that the spirit and objectives of the Treaty, as well as their obligations would be upheld. It was stressed that strict compliance with the terms of articles I and II remained central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons and other nuclear explosive devices and preserving the vital contribution of the Treaty to international peace and security.

## III. Main developments since the 1995 Review and Extension Conference

16. In the period since the 1995 Review and Extension Conference, several developments of direct relevance to the Treaty in general, and the implementation of its specific provisions in particular, have occurred.

17. Since the 1995 Conference, nine more States have become parties: Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu. With these accessions the overall membership

of the Non-Proliferation Treaty increased to 187 from 178 at the time of the 1995 Conference. Four States remain outside the Treaty: Cuba, India, Israel and Pakistan.

18. During the period under review, the international community remained concerned at the continuing non-compliance with the Treaty, including its safeguards obligations. States parties are aware that Iraq had, over the years, engaged in activities inconsistent with its Treaty obligations, including its Safeguard Agreement. They are also aware that the Democratic Republic of Korea (DPRK) remains in non-compliance with its Safeguards Agreement. Both cases are referred to in the background paper prepared by the International Atomic Energy Agency on its activities relevant to article III of the Treaty (NPT/CONF.2000/9).

19. The implementation of the IAEA mandate in Iraq, as defined by Security Council resolution 687 (1991) and other relevant resolutions, continued until 16 December 1998, when the Agency personnel were withdrawn from Iraq. Details are given in the above-mentioned IAEA background paper. Notwithstanding the adoption of Security Council resolution 1284 (1999) in December 1999, the Agency has not yet been able to resume its resolution-related activities in Iraq.

20. As a result of IAEA inspection activities in Iraq, a technically coherent picture of Iraq's clandestine nuclear programme has evolved. Particular reference to this is given in the report of the Director General[13] of IAEA to the Security Council in October 1997. In drawing this picture, developed on the basis of the information and original documentation provided to the Agency by Iraq as well as on information and technical support provided by Member States, the Agency did not find any evidence that any nuclear-weapon State party had contributed directly to the development of Iraq's clandestine nuclear programme. However, from the detailed IAEA analysis of Iraq's clandestine programme, it is clear that publications available in the open literature, together with activities and training related to the development of a civil nuclear programme, can have an important bearing upon the development of a clandestine nuclear-weapons programme.

21. Iraq's violation of its obligations as a non-nuclear-weapon State party to the Non-Proliferation Treaty was recounted in detail in the IAEA background paper relating to article III of the Treaty prepared for the 1995 Review and Extension Conference (NPT/CONF.1995/7). In the period under review, Iraq released additional information about its weaponization and gas centrifuge enrichment programmes and revealed the existence of a plan, in August 1990, to divert safeguarded research reactor fuel. The aim had been to accelerate the acquisition of nuclear weapons through a "crash programme". The availability of highly enriched uranium fuel associated with declared research reactors would have significantly reduced the time needed to reach the final objective if such a crash programme had been implemented, particularly if the IAEA safeguards inspections had been suspended longer after the Gulf war.

22. In view of its inability to carry out Security Council-related activities since December 1998 and in the light of its obligations pursuant to Iraq's comprehensive Safeguards Agreement with the Agency, IAEA carried out an inspection in Iraq, in accordance with the Safeguards Agreement, in January 2000. This inspection had the limited objective of verifying the inventory of the nuclear material remaining in Iraq, consisting of low enriched, depleted and natural uranium. The removal from Iraq, in accordance with Security Council resolution 687 (1991), of all weapon-usable nuclear material (plutonium in gram quantities and highly enriched uranium) had been completed by spring 1994.

23. In January 1999, the Security Council established three panels, one of which was devoted to disarmament and current and future ongoing monitoring and verification issues, with the task of assessing all the existing and relevant information available, including data from ongoing monitoring and verification, related to the state of disarmament in Iraq and to make recommendations to the Council on ways to re-establish an effective disarmament/ongoing monitoring and verification regime in Iraq.[14] In its report to the Council,[15] the panel made a number of suggestions for re-establishing such a regime. The panel, *inter alia*, recommended that a reinforced ongoing monitoring and verification regime should be implemented to carry out further the objectives of Security Council resolutions in Iraq. The panel also made suggestions with regard to the organization and methods of work of the proposed system.

24. The Security Council, on 17 December 1999, adopted resolution 1284 (1999),[16] by which it established the United Nations Monitoring, Verification

and Inspection Commission (UNMOVIC) to replace the United Nations Special Commission (UNSCOM). UNMOVIC will undertake the responsibilities with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions. The Commission will establish and operate a reinforced system of ongoing monitoring and verification and address unresolved disarmament issues. UNMOVIC will, furthermore, identify, as necessary in accordance with its mandate, additional sites in Iraq to be covered by the reinforced system of ongoing monitoring and verification. The Security Council also reaffirmed the criteria for Iraqi compliance, and affirmed that the obligations of Iraq regarding cooperation with the Special Commission, unrestricted access and provision of information will apply in respect of UNMOVIC. The resolution, furthermore, provides a mechanism for suspending sanctions for a period of 120 days if Iraq cooperates "in all respects" with UNMOVIC and IAEA and makes progress on disarmament for a period of 120 days after the reinforced ongoing monitoring and verification is fully operational. The resolution also reaffirmed the role of IAEA with respect to Iraq's nuclear programme, as stated in Security Council resolution 687 (1991) and other relevant resolutions (for more information see the background paper prepared by IAEA on its activities relevant to article III of the Non-Proliferation Treaty (NPT/CONF.2000/9)).

25. IAEA continued to implement safeguards measures in the Democratic People's Republic of Korea, including monitoring the freeze on its graphite-moderated reactors and related facilities as foreseen in the Agreed Framework of October 1994 between the DPRK and the United States of America and as requested by the Security Council. (Full details are given in the background paper prepared by IAEA (NPT/CONF.2000/9).) The Agency has maintained a continuous inspector presence in the country. Since 1995, some progress has been made with regard to some of the safeguards measures required by the Agency, but not others. In particular, despite 13 rounds of technical consultations between the Agency and the DPRK since 1994, no progress has been made on certain key issues, in particular the preservation of information needed to enable the Agency to verify the DPRK's initial declaration of its nuclear material and facilities subject to safeguards. The DPRK continues to link the extent of its cooperation with the Agency to progress in the implementation of the Agreed Framework between the DPRK and the United States of America.

26. During the period under review, the General Assembly, in discussing the annual reports of IAEA, also referred to the issues related to Iraq and to the DPRK. The Assembly expressed deep concern about the continued non-compliance of the DPRK with the IAEA Safeguards Agreement, despite repeated calls by the international community for such action. It urged the DPRK to cooperate fully with the Agency in the implementation of the Agreement and to take all steps that IAEA might deem necessary to preserve all information relevant to verifying the accuracy and completeness of the initial report of the DPRK on the inventory of nuclear material subject to safeguards, until the country came into full compliance with the Agreement.[17] Referring to Iraq, the General Assembly stressed the need for both the full implementation by Iraq of all relevant Security Council resolutions and the resumption without delay of the monitoring and verification activities.[18]

27. Developments outside the Non-Proliferation Treaty, specifically the nuclear-test explosions undertaken by India and Pakistan in May 1998, led to increased international concern about their effects on global efforts towards nuclear non-proliferation and disarmament. The Security Council, by its resolution 1172 (1998), adopted unanimously on 6 June 1998, *inter alia*, reaffirmed its full commitment to and the crucial importance of the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament, expressed its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated and recalled that neither India nor Pakistan could have the status of a nuclear-weapon State under the Non-Proliferation Treaty. The Council furthermore recognized that the tests conducted by India and Pakistan constituted a serious threat to global efforts towards nuclear non-proliferation and disarmament, urged India and Pakistan, and all other States that had not yet done so, to become parties to the Non-Proliferation Treaty and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions (for more information see NPT/CONF.2000/2).

28. The Ministers for Foreign Affairs of the five permanent members of the Security Council, after meeting with the Secretary-General of the United Nations on 23 September 1999, issued a statement[19] in which they, *inter alia*, reiterated the need for universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and called upon all States which had not yet done so to accede to the Treaty at an early date. They reaffirmed their commitments to nuclear disarmament and general and complete disarmament under article VI of the Treaty and expressed their willingness to contribute to the successful outcome of the 2000 Review Conference. They urged all parties to the Treaty to bring into force the comprehensive Safeguards Agreements required under the Treaty, as well as Protocols Additional to those Agreements based on the Model Additional Protocol[20] and called upon other States which are prepared to accept measures provided for in the Model Protocol to conclude additional protocols. They also expressed their intention to promote a further constructive review of the Treaty during the Conference in 2000.

*Notes*

[1] Articles I and II of the Treaty read as follows:

"Article I

"Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

"Article II

"Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."

[2] NPT/CONF/35/I, annex I.

[3] See NPT/CONF.II/22/II, SR.1-19.

[4] Ibid., C.I/SR.1-12.

[5] NPT/CONF.III/64/I, annex I.

[6] See NPT/CONF.IV/45/III.

[7] See NPT/CONF.IV/45/II, document MC.I/1.

[8] Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", para. 1.

[9] Ibid. para. 2.

[10] See NPT/CONF.1995/32/III, SR. 1-13.

[11] See NPT/CONF.1995/32/II/MC.I/1.

[12] S/23500.

[13] S/1997/779.

[14] S/1999/100. The other two panels were tasked with addressing humanitarian issues and prisoners of war, and Kuwaiti property, respectively. The three panels were requested to make recommendations to the Security Council no later than 15 April 1999.

[15] S/1999/356, annex I.

[16] The resolution was adopted by a vote of 11 to none, with China, France, Malaysia and the Russian Federation abstaining.

[17] See General Assembly resolutions 50/9 (adopted by 144 votes to 1, with 8 abstentions); 51/10 (141-2-8); 52/11 (151-1-5); 53/21 (113-1-8); 54/26 (122-1-6).

[18] Ibid.

[19] S/1999/996.

[20] IAEA document INFCIRC/540 (Corrected).

NPT/CONF.2000/4

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference

### Background paper prepared by the United Nations Secretariat

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# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General to prepare for the Conference a background paper on the implementation of article VI of the Treaty,[1] covering developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament.

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review Process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

3. The present paper is submitted in response to that request. It covers developments between May 1995 and February 2000. A detailed account of events that took place before May 1995 is contained in the background paper on the same subject prepared for the 1995 Review and Extension Conference (NPT/CONF.1995/4). As separate papers have been prepared on the issues of a comprehensive nuclear-test ban (NPT/CONF.2000/2), nuclear-weapon-free zones (NPT/CONF.2000/5, NPT/CONF.2000/12, NPT/CONF.2000/13, NPT/CONF.2000/14, and NPT/CONF.2000/15) and security assurances for non-nuclear-weapon States (NPT/CONF.2000/6), those questions are not dealt with in the present paper.

# II. Arms limitation and disarmament efforts since the 1995 Review and Extension Conference

## A. Measures and initiatives relating to cessation of the nuclear arms race and nuclear disarmament

### 1. Multilateral nuclear disarmament efforts within the United Nations framework

4. During the period under review, issues of nuclear disarmament continued to be dealt with in the various bodies of the United Nations system. Within the United Nations framework, there are basically three forums where the issue of multilateral nuclear disarmament is permanently on the agenda: (a) the General Assembly, specifically its First Committee; (b) the Disarmament Commission; and (c) the Geneva-based Conference on Disarmament.

### Non-use of nuclear weapons and the prevention of nuclear war

5. The issue of non-use of nuclear weapons and the prevention of nuclear war continued to be debated within various forums, both within and outside the United Nations framework. The difference in positions between various political groups and individual States remained evident, however. In 1996, for the first time in history, the International Court of Justice (ICJ) rendered a legal advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*.[2] Replying to a request made by the General Assembly,[3] the Court agreed unanimously that the threat or use of force by means of nuclear weapons that was contrary to Article 2, paragraph 4 (refraining from the threat or use of force), of the Charter of the United Nations and that failed to meet all the requirements of Article 51 (inherent right of individual or collective self-defence) was unlawful, and that such threat or use of nuclear weapons should be compatible with international law applicable in armed conflict. According to the Court's opinion, the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. However, the Court could not conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in

which the very survival of a State would be at stake.[4] It decided unanimously, however, that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

6. Ever since the ICJ gave its advisory opinion, the General Assembly has had before it specific resolutions on the subject matter.[5] The resolutions have called for multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons, and providing for their elimination. Member States were requested to report to the Secretary-General on the efforts and measures they have taken on the implementation of the resolutions and on nuclear disarmament. Pursuant to that request, the Secretary-General submitted a note to the General Assembly at its fifty-fourth session containing information received from Governments on their implementation of the current resolution on the advisory opinion and on nuclear disarmament.[6]

7. In the General Assembly, the different positions on the subject were also reflected in the voting patterns on a resolution entitled "Convention on the Prohibition of the Use of Nuclear Weapons", which has been submitted annually for many years.[7] The resolution, *inter alia*, refers to the 8 July 1996 advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, the Final Document of the Tenth Special Session of the General Assembly, the first special session of the General Assembly devoted to disarmament, held in 1978, and the objective of a nuclear weapons convention. Furthermore, the resolution calls upon the Conference on Disarmament to commence negotiations on an international convention prohibiting the use or threat of nuclear weapons under any circumstances and to report to the General Assembly on the results of such negotiations.

8. Divergent views were also evident on another resolution entitled "Reducing nuclear danger",[8] a resolution introduced for the first time at the fifty-third session of the General Assembly, which called for a review of nuclear doctrines and for urgent steps to reduce the risks of unintentional and accidental use of nuclear weapons. It requested the five nuclear-weapon States to undertake measures towards implementation of those steps. The resolution called upon States Members of the United Nations to prevent proliferation and to promote nuclear disarmament and eliminate nuclear weapons. In this connection, controversial discussions took place on various modifications undertaken in the nuclear doctrines of States and military alliances, respectively.

9. The North Atlantic Treaty Organization (NATO), at its 50th anniversary summit in April 1999, approved and updated its Strategic Concept. The NATO alliance reaffirmed its policy of nuclear deterrence and, referring to nuclear weapons, the Concept stated that "they will continue to fulfil an essential role", although "the circumstances in which any use of nuclear weapons might have to be contemplated ... are extremely remote".[9] In January 2000, the United States of America released a report on its National Security Strategy. The report stated that "nuclear weapons serve as a guarantee" of America's security commitments to its allies. It also stressed that the United States would continue to maintain a robust triad of strategic nuclear forces sufficient to deter any potential adversaries who might have or, who might seek access to nuclear forces.[10] The Russian Federation, also in January 2000, published its new national security strategy, in which it stressed the right to use all available means, including nuclear weapons, to repel aggressors. The use of nuclear weapons in war would be contemplated "if all other means of resolving the crisis have been exhausted".[11] China reiterated its position that it would never be the first to use nuclear weapons at any time and under any circumstances and that it would not use or threaten to use nuclear weapons against any non-nuclear-weapon States and nuclear-weapon-free zones.

10. The Conference on Disarmament discussed the issue of the non-use of nuclear weapons under the item "Prevention of nuclear war, including all related matters". During plenary meetings of the Conference, some delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the annual reports of the Conference to the General Assembly, related official documents and working papers, as well as plenary records.

### Nuclear disarmament

11. At the 1995 Review and Extension Conference, the States parties agreed that in order to fully realize and effectively implement article VI of the Treaty, it

was important to achieve the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States, of general and complete disarmament under strict and effective international control.[12] Progress in this area has, however, been limited. Long-standing differences over substantive as well as overall procedural questions continued to prevent the start of multilateral negotiations on nuclear disarmament.

12. During the period under review, the General Assembly has adopted annually resolutions on various aspects of nuclear arms limitation and disarmament. The voting has revealed deeply rooted divergences, reflecting different strategic doctrines and national security perceptions. Differences also remained over the pace, form and ultimate goal of nuclear disarmament negotiations. The critical issue in the debates was whether to proceed on a multilateral or on a bilateral basis in negotiating nuclear disarmament.

13. The Movement of Non-Aligned Countries on several occasions called for urgent nuclear disarmament measures. In the Final Document of the Ministerial Conference of Non-Aligned Countries, held in New Delhi in April 1997, the Movement stressed that it was imperative that security in the post-cold war era should be promoted through drastic reductions in nuclear weapons and their eventual elimination.[13] In September 1998, the Heads of State or Government of Non-Aligned Countries, at their Summit Conference held at Durban, South Africa, called for an international conference on a phased programme for the complete elimination of nuclear weapons.[14]

14. Ideas and concepts for nuclear disarmament were also developed outside the United Nations framework and had an impact on the deliberations within the multilateral disarmament forums. In 1996, the Canberra Commission, convened by the Government of Australia, issued a report on practical steps towards a nuclear-free world.[15] A "Model Nuclear Weapons Convention", drafted by an international consortium of lawyers, scientists and disarmament experts, was submitted to the General Assembly at its fifty-second session, in 1997.[16] Furthermore, in August 1999, the report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament[17] was submitted to the Secretary-General of the United Nations.

15. The views of those States that felt that more efforts were needed to make progress in the area of nuclear disarmament have been reflected annually in resolutions adopted by the General Assembly. By those resolutions, the Assembly called upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons, through a set of legal instruments, which might include a nuclear weapons convention, and also called for the convening of an international conference on nuclear disarmament.[18] The Secretary-General, in a note submitted to the General Assembly at its fifty-fourth session, expressed the hope that the Conference on Disarmament would be able to overcome the difficulties encountered in elaborating a programme of work and would be able to address all issues on its agenda.[19]

16. A resolution entitled "Towards a nuclear-weapon-free world: the need for a new agenda"[20] was introduced for the first time at the fifty-third session of the General Assembly in 1998. By that resolution, the General Assembly expressed its conviction that the existence of nuclear weapons was a threat to the survival of humanity and expressed concern at the prospect of the indefinite possession of nuclear weapons. Referring to the declaration on a new agenda to achieve a nuclear-free-world (see paras. 24-25 below), the General Assembly, *inter alia*, called upon the nuclear-weapon States to make an unequivocal undertaking to accomplish the speedy and total elimination of their nuclear arsenals and to engage without delay in an accelerated process of disarmament negotiations, and to undertake a number of early steps in that context. It called upon the Conference on Disarmament to establish an appropriate subsidiary body to deal with nuclear disarmament and also supported an international conference on nuclear disarmament and nuclear non-proliferation. In accordance with the request made by the General Assembly, the Secretary-General submitted a report[21] to the General Assembly at its fifty-fourth session containing his observations as well as the responses of a number of international organizations and bodies regarding the possible elements for developing verification arrangements as envisaged in that resolution.

17. A number of other States felt, however, that important progress conducive to the ultimate objective of the elimination of nuclear weapons had been made. In this connection, the General Assembly adopted annual resolutions entitled "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons",[22] by which the Assembly, *inter alia*, welcomed the efforts of the Russian Federation and the United States for nuclear disarmament, including the START I and II Treaties, and noted the progress in commencing the discussion on START III. The resolutions also called for multilateral discussion on future steps on nuclear disarmament and nuclear non-proliferation and for further efforts from the five nuclear-weapon States to reduce their nuclear arsenals unilaterally and through negotiations, with the ultimate objective of the elimination of nuclear weapons. The General Assembly furthermore reaffirmed the crucial importance of the Non-Proliferation Treaty as the cornerstone of the international regime for nuclear non-proliferation and an essential foundation for the pursuit of nuclear disarmament, and called upon States not parties to the Treaty to accede to it without delay and without conditions. In addition, by the resolution in this series adopted at the fifty-fourth session, it welcomed the efforts to increase transparency on nuclear activities and took note of the report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament.[23] The Assembly also encouraged the constructive role played by civil society in promoting nuclear non-proliferation and nuclear disarmament.

18. Other resolutions dealt with the bilateral negotiations on nuclear arms reductions between the Russian Federation and the United States.[24] The General Assembly, by those resolutions, welcomed the actions taken towards the signing and the ratification, respectively, of START I and of START II, and urged both countries to take the necessary steps to bring both Treaties into force at the earliest possible date and to commence negotiations on a START III agreement immediately after ratification of START II by the Russian Federation. The Assembly also encouraged the Russian Federation and the United States in their efforts aimed at reducing and eliminating their nuclear weapons. No resolution on the subject was adopted in 1999, however.

19. The General Assembly in 1999 also adopted a resolution on the "Preservation of and compliance with the Treaty on the Limitation of Anti-Ballistic Missile Systems" (see paras. 30-36 below). By that resolution, the Assembly stressed the paramount importance of full and strict compliance with the Anti-Ballistic Missile Treaty by the parties, recalled that the provisions of the Treaty were intended as a contribution to the creation of more favourable conditions for further negotiations on limiting strategic arms, and expressed concern that the implementation of any measures undermining the purposes and provisions of the Treaty affected not only the security interests of the parties, but also those of the whole international community. The Assembly also called for continued efforts to strengthen the Treaty and preserve its integrity and validity so that it would remain a cornerstone in maintaining global strategic stability and world peace and in promoting further strategic nuclear reductions. It called upon the parties to limit the deployment of anti-ballistic missile systems and to refrain from the deployment of such systems for the defence of the territory of their country. The Assembly furthermore considered that the implementation of any measure undermining the purposes and provisions of the Treaty would also undermine global strategic stability and world peace and the promotion of further strategic nuclear arms reductions; urged all Member States to support efforts aimed at stemming the proliferation of weapons of mass destruction and their means of delivery; and supported further efforts by the international community in the light of emerging developments towards safeguarding the inviolability and integrity of the Anti-Ballistic Missile Treaty.[25] The international community was, however, divided in its support of that resolution. The United States stated that although the Anti-Ballistic Missile Treaty was a cornerstone, there were always new developments in technology, in political climate and in the nature of security threats. Therefore, as circumstances had changed, it might become necessary to change the Treaty to reflect those new realities.[26]

20. The Disarmament Commission has been engaged in the discussion of the process of nuclear disarmament in the framework of international peace and security, with the objective of the elimination of nuclear weapons. The discussions focused on a general outline for guidelines and recommendations for nuclear disarmament. During the deliberations, the vital importance and urgency of disarmament in general, and of nuclear disarmament in particular, with a view to achieving the ultimate goal of the elimination of nuclear weapons, were reaffirmed by many delegations

as equally relevant in the new political and security environment. Although the Commission was to conclude its deliberation on this item in 1994, it was not able to finish its work in time. The Commission continued the consideration of the item in 1995, but no consensus document on the subject was achieved. Since 1996, the discussions have focused on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. The Commission was able to conclude its work on the issue at its 1999 session with the adoption of a consensus paper. (See also background paper NPT/CONF.2000/5.)

21. During the period under review, nuclear disarmament and nuclear non-proliferation were among the most debated issues in the Conference on Disarmament. Many Member States pressed for multilateral negotiations in the Conference, with the goal of eliminating nuclear weapons within a specific time-frame. Others, however, including the United States and the Russian Federation, favoured a gradual, bilateral approach.

22. A proposal for the establishment of an ad hoc committee on nuclear disarmament[27] was submitted to the Conference in March 1996 and, subsequently, a proposal for a "Programme of Action on the Elimination of Nuclear Weapons" was made by a group of 28 delegations from non-aligned countries.[28] The proposal envisaged negotiations on a phased programme within a fixed period of time for the complete elimination of nuclear weapons until 2020. Also, various possible mandates for an ad hoc committee on nuclear disarmament were submitted to the Conference by a number of delegations.[29] Further proposals concerning action on nuclear disarmament by the Conference were made by several States.[30] However, the positions of delegations were still too far apart to be bridged. The Group of 21 continued to attach the "highest priority" to nuclear disarmament, while many other delegations, including those from the Western group, supported the idea of establishing some form of consultative, advisory mechanism within the Conference on Disarmament to exchange information and facilitate cooperation and accountability.

23. The rotating presidency of the Conference continued, in particular throughout the 1998 and 1999 sessions, to pursue intensive consultations and to seek the views of the Member States on appropriate methods and approaches for dealing with the agenda item on nuclear disarmament. The exchange of views revealed a divergence of opinion between those delegations that believed that the Conference should now concentrate its energies on launching the negotiations for a ban on the production of fissile material for nuclear weapons or other nuclear explosive devices, and those that felt that the Conference also needed to establish an ad hoc committee or some other mechanism for addressing nuclear disarmament. Although the consultations were wide-ranging and substantive, they were inconclusive.

24. In June 1998, a group of eight States issued a Joint Ministerial Declaration entitled "Towards a nuclear-weapon-free world: the need for a new agenda".[31] Considering the continued threat to humanity represented by the perspective of the indefinite possession of nuclear weapons and the attendant possibility of the use or threat of use of nuclear weapons, the Declaration called for a new international agenda to achieve a nuclear-weapon-free world through the pursuit, in parallel, of a series of mutually reinforcing measures at the bilateral, plurilateral and multilateral levels. It called upon the nuclear-weapon States and the three nuclear-weapon-capable States to commit themselves unequivocally to the elimination of their respective nuclear weapons and nuclear weapons capability, and to agree to start work immediately on the practical steps and negotiations required for its achievement.

25. The Declaration specifically called for practical steps that the nuclear-weapon States could, and should, take immediately, such as to abandon current hair-trigger postures by proceeding to de-alert and deactivate their weapons, and also to remove non-strategic nuclear weapons from deployed sites. Such measures would create beneficial conditions for continued disarmament efforts and help prevent inadvertent, accidental or unauthorized launches. The Declaration also stressed the need for other measures pending the total elimination of nuclear arsenals, such as legally binding instruments with respect to a joint no-first-use undertaking between the nuclear-weapon States and as regards negative security assurances for non-nuclear-weapon States. Furthermore, the Declaration stressed that the maintenance of a world free of nuclear weapons would require the underpinning of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.

### Ban of the production of fissile material for nuclear weapons or other nuclear explosive devices

26. Proposals on the cessation of the production of fissionable material for weapons purposes have been made at various times and in various forums. Following the cessation of the production of fissile material for nuclear weapons by the nuclear-weapon States, the prospects for negotiations on the subject increased considerably in the 1990s. The decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted at the 1995 Review and Extension Conference of the Parties to the Non-Proliferation Treaty called for the immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.[32]

27. In March 1995, the Conference on Disarmament adopted the report of the Special Coordinator[33] on his consultations "on the most appropriate arrangement to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" and established an ad hoc committee to negotiate a non-discriminatory and universally applicable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. However, the Conference did not appoint the Chairman of the Committee, and therefore the Committee did not meet.[34] In August 1998, after intensive consultations, the Conference decided to establish, under item 1 of its agenda, entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate a non-discriminatory, multilateral, internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.[35] The Ad Hoc Committee held a general exchange of views as a first step in the substantive negotiations and agreed to recommend to the Conference on Disarmament to re-establish the Ad Hoc Committee at the beginning of its session in 1999.[36]

28. The General Assembly, at its fifty-third session,[37] in 1998 unanimously welcomed the decision of the Conference on Disarmament to establish the Ad Hoc Committee, and noted with satisfaction that the Ad Hoc Committee had already engaged in the first step in the substantive negotiations and encouraged the Conference to re-establish the Ad Hoc Committee at the beginning of its 1999 session. Although proposals were made on how to deal with the subject,[38] the Conference on Disarmament has been unable to commence work owing to existing divergent views on procedural as well as substantive issues.

### 2. Other unilateral, bilateral and multilateral measures on nuclear disarmament

29. During the period under review, the United States and the Russian Federation continued their bilateral negotiations mainly in the framework of the Strategic Arms Reduction Talks (START). The START II Treaty, which called for reducing the levels of nuclear warheads to 3,500 or 3,000 on each side, was ratified by the United States Senate in January 1996. It has not yet been ratified by the Russian lower house of Parliament, the State Duma. In March 1997, at a summit meeting in Helsinki, the Presidents of the United States and the Russian Federation reaffirmed their commitment to take further concrete steps to reduce nuclear danger and strengthen strategic stability and nuclear security.[39] Specifically, they agreed that, once START II entered into force, both States would immediately begin negotiations on a START III agreement, which would contain ceilings of 2,000 to 2,500 warheads, i.e., 20 per cent of peak cold war levels. START III would include the destruction of the means of delivery and of the nuclear warheads themselves. It would also embrace transparency measures to ensure that nuclear material from destroyed warheads would never again be used in weapons. Furthermore, an understanding was reached that the deadline for the elimination of strategic nuclear delivery vehicles under START II would be extended to the end of 2007. The nuclear delivery vehicles slated for elimination would, however, be de-activated by the end of 2003 by removing their warheads or by some other agreed procedure. At a summit meeting in Moscow in September 1998, the Presidents of the United States and the Russian Federation again reaffirmed those commitments and expressed their determination to cooperate in speeding up the entry into force of START II and launching negotiations on lower levels within the framework of START III.[40]

30. With regard to the Anti-Ballistic Missile Treaty, the United States Secretary of State and the Foreign Ministers of the Russian Federation, Belarus,

Kazakhstan and Ukraine in September 1997 signed a Memorandum of Understanding providing for succession to the Anti-Ballistic Missile Treaty by the four above-mentioned former Republics of the Soviet Union.[41] According to that memorandum, those USSR successor States collectively assumed the rights and obligations of the USSR. Accordingly, only a single anti-ballistic missile deployment area is permitted among the four successor States; furthermore, only 15 launchers at anti-ballistic missile test ranges are collectively permitted. The Russian Federation will be able to continue to operate any existing early-warning radars, as well as the anti-ballistic missile test range, located within other States, with the permission of the Governments concerned. The five States also signed two agreements clarifying the demarcation between strategic and theatre ballistic-missile defences. By defining the speed and range of the target missiles that theatre defence systems were permitted to shoot down in tests, concerns about possible violations of the Anti-Ballistic Missile Treaty were resolved.

31. In January 1999, the United States Government announced its intention to increase funding for ongoing National Missile Defense and Theatre Missile Defense programmes. It was also announced that the bilateral 1972 Anti-Ballistic Missile Treaty might have to be amended in order to accommodate a National Missile Defense system. A Deployment Readiness Review has been scheduled for June 2000 in order to assess the progress of the National Missile Defense and to provide information for a deployment schedule. Even if a decision to deploy such a system were made, the actual deployment would not take place until 2005. Both chambers of the United States Congress approved, respectively, two separate bills in March 1999 mandating the deployment of a National Missile Defense system capable of defending the United States from limited ballistic-missile attacks as soon as it is technologically possible. In July of that year, the President of the United States signed the National Missile Defense Act of 1999, which stated that it was United States policy to deploy a limited National Missile Defense system "as soon as technologically feasible".[42]

32. The United States has since then been seeking to negotiate an agreement with the Russian Federation to amend the Anti-Ballistic Missile Treaty. Following a summit meeting at Cologne, Germany, between the Presidents of the United States and the Russian Presidents, a "Joint Statement between the United States and the Russian Federation concerning Strategic Offensive and Defensive Arms and further Strengthening of Stability"[43] was issued by the two Governments in June 1999. Both parties reaffirmed their commitment to strengthening strategic stability and international security and stressed the importance of the further reduction of strategic offensive weapons. Both States also recognized the fundamental importance of the Anti-Ballistic Missile Treaty and reaffirmed their commitment to the Treaty as a cornerstone of strategic stability, and vowed to enhance its viability and effectiveness in the future. In that regard, both parties affirmed their existing obligations under article XIII of the Anti-Ballistic Missile Treaty to consider possible changes in the strategic situation that had a bearing on the Treaty and, as appropriate, possible proposals for increasing the viability of the Treaty. Both parties also decided to engage in discussions on START III and Anti-Ballistic Missile Treaty issues in accordance with the principles agreed upon.[44]

33. Consequently, consultations on further reductions in strategic nuclear arms began in Moscow in the summer of 1999 and continued in January 2000. They focused on further nuclear arms cuts and United States plans to amend the Anti-Ballistic Missile Treaty to accommodate a limited missile defence system. The provisions of the Treaty that would be directly affected would include article 1, which does not allow the deployment of a nationwide anti-ballistic missile defence; article 3, which authorizes two anti-ballistic missile sites, amended to one site each by the 1974 Protocol, around each party's capital or an intercontinental ballistic missile (ICBM) site with no more than 100 interceptors and the engagement radars within a 150 km radius; and article 5, which requires each party not to test or deploy anti-ballistic missile systems or components which are sea-based, air-based, space-based or mobile land-based.

34. Despite assurances by the United States that the planned National Missile Defense network was designed to protect it from limited missile attacks from certain States and not aimed at the Russian Federation's strategic missiles, the Russian Federation has rejected any modifications to the Treaty.[45] Nevertheless, it stated that it was prepared to discuss the creation of a global system to monitor the non-proliferation of missiles and missile technologies, and

to cooperate further with the United States and other States in areas connected with anti-ballistic missile systems, without breaching the limitations imposed by the Treaty.[46] China and the Russian Federation, after consultations held in April 1999 on issues related to the Anti-Ballistic Missile Treaty, voiced their grave concern at United States plans to prepare a national anti-missile defence system. They considered the implementation of such plans to be a violation of the Anti-Ballistic Missile Treaty. The two sides stated that the undermining or violation of the Treaty would lead to a series of negative consequences which could destabilize the international situation both at the global and at the regional levels and lead to the resumption of the arms race and create additional obstacles to the process of disarmament. At the same time, the two sides declared their readiness to discuss and cooperate for the preservation of the Anti-Ballistic Missile Treaty.[47]

35. Given the significance of the Anti-Ballistic Missile Treaty for global non-proliferation and disarmament efforts, other countries began to express interest in the issue. The Ministers for Foreign Affairs of the five permanent members of the Security Council, after meeting with the Secretary-General of the United Nations on 23 September 1999, issued a statement[48] in which they reaffirmed the importance of preserving the integrity and validity of the Anti-Ballistic Missile Treaty. The Russian Federation urged the international community to support the Treaty, given its importance for ensuring global strategic stability and furthering the process of nuclear disarmament.[49] China expressed deep concerns over the United States National Missile Defense and Theatre Missile Defense programmes, called for full and strict compliance with the Anti-Ballistic Missile Treaty by the States parties and supported the international efforts to preserve the inviolability and integrity of the Treaty.

36. Many other States also voiced concern at United States plans to develop a national missile defence system and supported a General Assembly resolution on the Anti-Ballistic Missile Treaty, which was introduced by the Russian Federation, together with Belarus and China, at the fifty-fourth session in 1999 to obtain greater international support for the preservation of the Treaty (see para. 19 above). China expressed deep concerns over increased funding for the United States missile defence programme and the development of National Missile Defense and Theatre Missile Defense systems.

37. Progress continued on the "trilateral initiative" between the United States, the Russian Federation and the International Atomic Energy Agency (IAEA), launched in 1996, to address technical, legal and financial issues associated with IAEA verification of weapon-origin fissile material designated as no longer required for defence purposes. The IAEA verification under this initiative is intended to promote international confidence that fissile material made subject by either of the two States to Agency verification remains irrevocably removed from nuclear-weapon programmes. It is foreseen that the Russian Federation and the United States would submit for IAEA verification weapon-origin fissile material. The United States would also submit for IAEA verification other fissile material no longer required for defence purposes. In 1999, further progress was made towards the completion of the model verification agreement that will serve as the basis for implementing the new verification role. Furthermore, work is under way to develop the verification arrangements for specific facilities identified by the Russian Federation and the United States where the new agreements would apply the model verification agreement being developed which may also be used by other NPT nuclear-weapon States for international verification of fissile material in conjunction with future arms control measures.[50] (See also background paper NPT/CONF.2000/9.)

38. In June 1999, the United States and the Russian Federation signed a protocol to continue the Cooperative Threat Reduction (CTR) programme in the Russian Federation. The protocol to the Agreement between the Russian Federation and the United States concerning the Safe and Secure Transportation, Storage and Destruction of Weapons and the Prevention of Weapons Proliferation (CTR Umbrella Agreement) extends the legal framework for the CTR programme in the Russian Federation for an additional seven years. Through the CTR programme, the United States provides equipment, services and technical support to assist the Russian Federation and other newly independent States in preventing proliferation and securing and dismantling weapons of mass destruction, related materials and production facilities inherited from the former Soviet Union.[51]

39. In July 1999, the United States and Ukraine also extended the agreement to continue the CTR

programme in Ukraine through December 2006. Earlier that year, CTR achieved a major milestone: the complete elimination of the SS-9 ICBM system which Ukraine had inherited from the Soviet Union, including 111 missiles, 130 missile silos and 13 launch control centres. By extending the Umbrella Agreement, the United States and Ukraine will be able to continue similar efforts to prevent proliferation and reduce arsenals of weapons of mass destruction. CTR is expected to help in the dismantling of the former Soviet nuclear weapons infrastructure in Ukraine, including weapons storage sites, ICBM production sites and missile propellant handling facilities. It will also continue to promote improved defence relations between the United States and Ukraine by funding a programme of defence and military contracts.[52]

40. In addition to the bilateral United States-Russian negotiations, nuclear-weapon States have undertaken numerous unilateral measures. The United States stated that it had eliminated over 80 per cent of its tactical nuclear warheads and almost completely eliminated its non-strategic nuclear weapons. It had furthermore eliminated 47 per cent of its deployed strategic nuclear warheads. Specifically, between 1988 and 1999, it had dismantled 13,495 nuclear warheads, along with more than 1,700 missile launchers and bombers. It had completely eliminated more than a dozen different types of nuclear warheads, and all warheads for ground-launched tactical nuclear missiles had been withdrawn from service by 1992. In addition, the United States declared that it had cancelled four major strategic programmes and halted bomber production. It had also ceased production of both plutonium and high-enriched uranium for weapons purposes. The United States furthermore declared that it had unilaterally removed more than 225 metric tons of fissile material from its military nuclear stockpiles, part of which had already been put under IAEA safeguards, and additional excess material was being readied for international inspections.[53]

41. The Russian Federation reported that, in the course of its unilateral initiatives and within the framework of the implementation of the START I Treaty, it had taken a number of major steps resulting in considerably reduced nuclear arsenals. Over 930 launchers of ICBMs and submarine-launched ballistic missiles had been eliminated, as well as about 2,000 missiles for such launchers, 24 nuclear submarines and over 80 heavy bombers. All in all, by December 2001, the strategic nuclear forces of the Russian Federation will have been reduced by approximately 40 per cent. Within the framework of the future START III, the Russian Federation expressed its readiness to agree to a more substantial reduction of nuclear arms than had been foreseen at the Helsinki Summit in March 1997, namely, a reduction of the overall threshold of up to 1,500 warheads, which it considered to be sufficient for the continuation of mutual strategic stability. The Russian Federation would also like any START III negotiation to tackle the issue of sea-launched cruise missiles, which it considers extremely destabilizing in both the nuclear and the non-nuclear senses. Russian land-based missiles of two categories, with a range of 500 to 5,500 kilometres, were reported to have been completely eliminated and a ban on their production and testing was imposed. As far as tactical nuclear weapons are concerned, the Russian Federation stated that it fully and consistently implemented its declared unilateral initiatives. Accordingly, all tactical nuclear weapons had been removed from surface ships and multi-purpose submarines as well as from the Navy land-based aircraft and had been placed in centralized storage facilities. One third of the aggregate number of nuclear munitions for tactical sea-based missiles and the Navy aircraft had been eliminated. Furthermore, according to Russian sources, the destruction of nuclear warheads of tactical missiles, artillery shells and nuclear mines was nearing completion and half of the total number of nuclear warheads for anti-aircraft missiles and nuclear bombs had been destroyed. Finally, all nuclear armaments located outside the country had been brought back to Russian territory and their liquidation was under way.[54]

42. The United Kingdom of Great Britain and Northern Ireland's Strategic Defence Review, undertaken in 1997, included significant reductions in, and transparency about, its nuclear deterrent. Specifically, the WE-177, the United Kingdom's free-fall nuclear bomb, has been entirely withdrawn from service. Henceforth, the United Kingdom nuclear deterrent will comprise only one weapon system: Trident. Only one Trident submarine will be on patrol at any time, carrying a reduced load of 48 warheads, half the previously announced ceiling of 96 warheads. The submarine on patrol will be at a reduced state of alert, at several days' "notice to fire", enabling it to carry out a range of secondary tasks. Its missiles are de-targeted. Overall, the United Kingdom will maintain fewer than 200 operationally available nuclear

warheads, a reduction of one third from the previously announced ceiling of 300. The explosive power of the operationally available weapons will have been reduced by over 70 per cent since the end of the cold war. The United Kingdom has also published information about its defence stocks of fissile material and is taking steps to place under safeguards some 50 per cent of its unsafeguarded plutonium. It stated that it had ceased production of fissile material for use in nuclear weapons and other explosive devices in 1995. In addition, it is reducing its holdings of fissile material available for use in nuclear weapons. For the sake of greater transparency, it declared that it was holding the following stocks outside safeguards: 7.6 tonnes of plutonium, 21.9 tonnes of high-enriched uranium and 15,000 tonnes of other forms of uranium. As a consequence of the review, the United Kingdom concluded that substantial quantities of that material were no longer required and that 4.4 tonnes of plutonium was found to be surplus to national security requirements. The material had either already been placed under Euratom safeguards and made liable to inspection by IAEA, or would become subject to the same safeguards regime soon. In addition, over 9,000 tonnes of depleted, natural and low-enriched uranium was declared surplus to national security requirements and has also been placed under Euratom safeguards and made liable to inspection by IAEA. Furthermore, in 1998, the United Kingdom announced that all future enrichment and reprocessing in the country would be subject to international oversight.[55]

43. France has significantly reduced the format and alert status of its nuclear forces since 1991. Specifically, it completely eliminated the ground-to-ground component of its nuclear deterrent by dismantling the Plateau d'Albion ground component, which contained 18 strategic missiles, and by the final removal of 30 short-range Hades missiles. The format of its deterrent force now rests on two components only, instead of the previous three: a sea component and an airborne one. The number of nuclear-powered ballistic missile submarines in the new format adopted in 1996 is four (instead of five previously), which has enabled France to maintain two of them, if necessary permanently, at sea instead of three in the early 1990s. The de-targeting of strategic French nuclear weapons was implemented in September 1997, when President Chirac announced that, following the dismantling of the Plateau d'Albion surface-to-surface missiles, no part of the French nuclear deterrent force was any longer targeted. France in 1996-1997 completely dismantled its former nuclear test site in the Pacific and ratified the protocols to the Treaty of Rarotonga and the Comprehensive Nuclear-Test-Ban Treaty. France has ceased all production of fissile materials for nuclear weapons; its production facilities were closed respectively in 1992 (reprocessing plant) and 1996 (enrichment plant) and the operations to dismantle them are under way.[56]

44. China repeatedly stated that its very limited nuclear force was never intended to pose a threat to other countries, that self-defence was its sole purpose and that China had made important contributions to international nuclear disarmament. Since the time when China came into possession of nuclear weapons, it had solemnly declared that it would never be the first to use nuclear weapons at any time and under any circumstances. China had also undertaken unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapons States or nuclear-weapon-free zones. China said that it had never deployed nuclear weapons outside its territory, nor had it used or threatened to use nuclear weapons against any other countries. It underlined that it had shown utmost restraint in the development of nuclear weapons, that it had conducted a very limited number of nuclear tests and possessed a very limited number of nuclear weapons. It had supported the countries concerned in their efforts to establish nuclear-weapon-free zones on the basis of arrangements freely arrived at among themselves and had provided unconditional security assurances to the States parties to the treaties on nuclear-weapon-free zones. Moreover, China stated that its nuclear weapons had been placed under strict control, thereby removing the risk of an accidental launch. Finally, China stressed that it had always advocated the complete prohibition and thorough destruction of nuclear weapons.[57]

## B. Measures and initiatives relating to general and complete disarmament

### 1. General and complete disarmament

45. Advocated by the General Assembly for more than two decades, general and complete disarmament under effective international control continues to be the ultimate goal of all endeavours undertaken in the sphere of disarmament. The Disarmament Commission, already in 1979, had unanimously adopted "Elements

of a Comprehensive Programme of Disarmament".[58] In the Conference on Disarmament, the issue had been on the agenda for several years.

### United Nations special session on Disarmament

46. After three special sessions devoted to disarmament had been held in 1978, 1982 and 1988, respectively, the General Assembly, in 1995, decided to convene its fourth special session devoted to disarmament.[59] It later agreed to set an exact date for, and to decide on organizational matters relating to, the special session, subject to the outcome of deliberations at the Disarmament Commission. Pursuant to requests by the General Assembly, the issue was discussed in working groups of the Disarmament Commission during its 1996 to 1999 substantive sessions. It was generally agreed that a fourth special session devoted to disarmament would be convened, subject to the emergence of consensus on its objectives and agenda. It did not prove possible, however, to reach consensus on the objectives and agenda for such a special session. The General Assembly, in 1999, decided, subject to the emergence of a consensus on its objectives and agenda, to convene a fourth special session on disarmament, and requested the Secretary-General to seek the views of Member States on the objectives, agenda and timing of the special session.[60] The item is no longer on the agenda of the Disarmament Commission.

### 2. Bacteriological (biological) weapons

47. Efforts by the international community in this field have largely focused on the further strengthening of the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention) (see also para. 55 below). The Convention was the first international agreement which sought the total elimination of a major weapons system. However, the Convention did not envisage a compliance and verification mechanism. A Special Conference of the States parties to the Biological Weapons Convention, held in September 1994, decided to establish an ad hoc group open to all States parties to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included in a legally binding instrument. The mandate of the Ad Hoc Group requires it to consider four specific areas: (a) definitions of terms and objective criteria; (b) incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into the regime; (c) a system of measures to promote compliance with the Convention; and (d) specific measures designed to ensure the effective and full implementation of article X. In August 1997, the States parties were presented for the first time with a text consolidating proposals made thus far by delegations. As it stands at present, the draft protocol comprises in particular a set of compliance measures integrated by declarations, visits, procedures for "consultation, clarification and cooperation", and investigations; measures for scientific and technological exchange for peaceful purposes and technical cooperation; definitions; national implementation and assistance provisions; and confidentiality provisions; and it envisages an organization consisting of three organs: an executive council, a conference of the States parties and a technical secretariat.

48. Considerable progress has been achieved by the Ad Hoc Group. The general framework and elements needed to establish a protocol as mandated by the States parties are reflected in the current text under consideration. Further efforts are needed so that consensus may be reached on some fundamental issues, the resolution of which would enable the completion of the negotiations. The Fourth Review Conference of the States Parties, held in 1997, mandated that work on the future protocol should be concluded at the latest by the Fifth Review Conference, to be held in 2001. In September 1998, an Informal Ministerial Meeting on the Negotiation towards Conclusion of the Protocol to Strengthen the Biological Weapons Convention affirmed its strong support for the Biological Weapons Convention and for strengthening its effectiveness and improving its implementation. The General Assembly, in annual resolutions[61] on the Biological Weapons Convention, welcomed the progress made by the Ad Hoc Group and called upon all States parties to complete the protocol on the basis of consensus at the earliest possible date.

### 3. Chemical weapons

49. The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) is the product of more than 20 years of negotiations at the Conference

on Disarmament and one of the most complex international conventions ever negotiated. It is the first internationally negotiated disarmament treaty with a comprehensive verification regime. The Convention entered into force in April 1997. One hundred sixty-eight States have signed or acceded to it. So far, instruments of ratification or accession have been deposited by 131 States.

50. The Organization for the Prohibition of Chemical Weapons, which was established in May 1997 with headquarters at The Hague, is entrusted with overseeing and ensuring the effective implementation of the provisions of the Convention. Verification of compliance with the Convention is undertaken through a combination of reporting requirements, routine on-site inspections of declared sites and short-notice challenge inspections at any place under the jurisdiction or control of any State party. The verification provisions of the Chemical Weapons Convention affect not only the military sector but also the civilian chemical industry, worldwide, through certain restrictions and obligations regarding the production, processing and consumption of chemicals that are considered relevant to the objectives of the Convention.

51. Four sessions of the Conference of the States Parties of the Organization for the Prohibition of Chemical Weapons were held during the period under review and important decisions with regard to the implementation of the Chemical Weapons Convention were taken at them. The 41-member Executive Council, which oversees the day-to-day operations of the Organization, was also elected. Presently, the Organization comprises a staff of about 500 men and women from 64 member States, from all regions of the world. Since its establishment, the Organization has conducted nearly 600 inspections in more than 30 States parties, at both military and chemical industry facilities. By the end of 1999, three of the four States parties which had declared possession of stockpiles of chemical weapons were operating destruction facilities and had begun to actively destroy their chemical weapons. More than 8 million declared chemical munitions and bulk containers and more than 100 declared chemical weapons-related facilities have been accounted for worldwide. All of them have to be destroyed, under the supervision of the Organization, within the time-frames established under the Convention. By January 2000, over 4,500 tonnes of chemical agents and more than 1 million chemical weapons munitions and containers had been destroyed under the supervision of the Organization's inspectors.

52. The Organization and its secretariat are also assigned important functions, under article X of the Convention, with regard to the provision of assistance and protection against the use and the threat of use of chemical weapons. In addition, article XI requires the Organization to promote international cooperation in the field of peaceful chemical activities. To implement these tasks, the Organization has established an international mechanism for mobilizing and coordinating the international response to requests for assistance. It maintains a data bank of information on protection against chemical weapons. It is working to set up a network of experts on protection against chemical weapons. It also manages the Voluntary Fund for Assistance.

53. During the period under review, the General Assembly unanimously adopted resolutions[62] on the implementation of the Convention and on cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons. By the resolutions, the Assembly expressed its appreciation for the ongoing work of the Organization and stressed the importance of all possessors of chemical weapons or chemical weapons production or development facilities adhering to the Convention. Furthermore, the Assembly stressed the importance of full and effective implementation of all provisions of the Convention, urged all States parties to meet their obligations under the Convention in full and on time and called upon States which had not yet done so to become parties to the Chemical Weapons Convention without delay.

54. The problem of the potential military misuse of certain dual-purpose chemicals or biological substances as well as their possible use by terrorists continued to be of international concern. During the period under review, efforts of the "Australia Group" to prevent the spread of chemical and biological weapons through export controls continued. However, States parties to the Chemical Weapons Convention and the Biological Weapons Convention undertook a moral and legal commitment not to develop, produce, stockpile or acquire those weapons, and also to destroy any such weapons which they might have. Consequently, developing countries in particular felt that, in return, they had a right to expect that no obstacles would be placed in their way regarding the import or export of

chemicals or biological substances, or of relevant technologies, for peaceful purposes. They therefore called repeatedly for a reconsideration of the application of such export controls to States parties to the two Conventions. Members of the Australia Group, for their part, reaffirmed that they would review their policies in the light of the implementation of the Chemical Weapons Convention.[63] They also reiterated their readiness to brief non-members on their export control guidelines and confirmed the usefulness of regional seminars as a means of widening contacts with other countries on these issues. The Group furthermore discussed dangers emanating from possible terrorist activities involving chemical and biological weapons and agreed that the subject needed continuing attention.

55. With regard to Iraq's compliance with Security Council resolution 687 (1991), the United Nations Special Commission (UNSCOM) continued to carry out its mandate in terms of the unconditional destruction, removal or rendering harmless, under international supervision, of all chemical weapons and biological weapons and all ballistic missiles with a range greater than 150 kilometres. In 1995, Iraq provided information for the first time on its offensive biological weapons programme, ranging from research and development through the production, weaponization and military deployment of biological and toxin agents. In the chemical field, Iraq provided information indicating a much larger and more advanced programme for the production and storage of the chemical warfare agent VX than previously stated.[64] The Commission was able to take possession of a large number of additional documents on Iraq's proscribed weapons programmes, but inadequacies, incompleteness and lack of documentation in many fields increased the Commission's difficulties in fulfilling the tasks as mandated by Security Council resolutions. In view of Iraq's refusal in 1997 to allow access to sites designated by the Commission, the Security Council adopted resolutions by which it demanded that Iraq give immediate, unconditional and unrestricted access to those sites.[65] The Secretary-General in February 1998 reached agreement on a Memorandum of Understanding between the United Nations and Iraq.[66] The Security Council unanimously endorsed the Memorandum of Understanding concerning initial and subsequent entries to presidential sites.[67] Initial entries to the presidential sites took place in March 1998. Thereafter, UNSCOM continued its inspections, but relations between Iraq and UNSCOM deteriorated. The decision by Iraq in August 1998 to suspend its cooperation with UNSCOM and to cease cooperation entirely in October of that year was condemned unanimously by the Security Council.[68] In November 1998, UNSCOM resumed its activities in Iraq for a short period of time. In mid-December 1998,[69] UNSCOM staff were withdrawn prior to military action by the United Kingdom and the United States, bringing to a halt all disarmament and monitoring activities by UNSCOM in Iraq. Following the submission in January 1999 of a comprehensive review by UNSCOM of its work in Iraq, the Security Council established an expert panel on Iraq regarding disarmament and current and future ongoing monitoring and verification issues,[70] which submitted its report to the Council in March 1999.[71] Furthermore, on 17 December 1999, the Council adopted resolution 1284 (1999),[72] by which it established the United Nations Monitoring Verification and Inspection Commission (UNMOVIC), thereby replacing UNSCOM. UNMOVIC will undertake the responsibilities with regard to the verification of compliance by Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) and other related resolutions. The Council also reaffirmed the criteria for Iraqi compliance, and affirmed that the obligations of Iraq regarding cooperation with the Special Commission, unrestricted access and provision of information, will apply in respect of UNMOVIC. The resolution, furthermore, provides a mechanism for suspending sanctions for a period of 120 days if Iraq cooperates "in all respects" with UNMOVIC and IAEA and makes progress on disarmament for a period of 120 days after the reinforced ongoing monitoring and verification is fully operational (see also NPT/CONF.2000/3).

### 4. Other weapons of mass destruction

56. The issue of new weapons of mass destruction has long been under consideration within the framework of the United Nations. It has not been possible so far, however, to find generally acceptable criteria for the identification of such weapons. As a result, both the General Assembly and the Conference on Disarmament have tended to focus on prohibitions of specific categories of weapons, in particular radiological weapons. In the regional context, an initiative was launched by Egypt on the establishment of a zone free from weapons of mass destruction in the Middle East (see NPT/CONF.2000/7).

57. The Conference on Disarmament continued to have on its agenda the item entitled "New types of weapons of mass destruction and new systems of such weapons: radiological weapons". However, it did not establish an ad hoc committee on the item during the period under review. During plenary meetings of the Conference, some delegations reaffirmed or further elaborated their respective positions on the item, the detailed descriptions of which were duly recorded in the annual reports of the Conference, related official documents and working papers, as well as plenary records. The General Assembly requested the Conference on Disarmament to keep the matter under review with a view to making, when necessary, recommendations on specific negotiations on identified types of such weapons.[73]

### 5. Limitation and reduction of conventional weapons and arms transfers on a worldwide and regional basis

#### Conventional disarmament

58. In recent years, with a growing number of armed conflicts involving conventional weapons, the need to address conventional disarmament has been increasingly recognized. The General Assembly has adopted a growing number of resolutions and decisions on various aspects of the conventional arms race and conventional disarmament. Discussion of the issue at the United Nations has focused on various elements: conventional weapons per se and efforts to limit international arms transfers and arms production; transparency in military expenditures; small arms and light weapons; inhumane weapons and the Convention restricting their use; and the regulation of the transfer of technology with military applications. The concept of "practical disarmament measures" was developed as a relatively new political initiative to deal with wide-ranging challenges from conventional arms, including the reintegration of former combatants and weapons collection programmes. It first appeared on the agenda of the General Assembly in 1996 and has enjoyed consensus votes ever since.[74] In its resolution 51/45 N of 10 December 1996, the General Assembly requested the Secretary-General, in the light of experience gained from conflict resolution, to make recommendations and suggestions for an integrated approach to such practical disarmament measures, taking also into account the work of the United Nations expert panel on small arms, and to report thereon to the General Assembly at its fifty-second session. Pursuant to that resolution, the report was submitted to the General Assembly in 1997.[75] Measures undertaken in implementing the concept of practical disarmament measures are initiated at the request of Member States.

59. By resolutions entitled "Measures to curb the illicit transfer and use of conventional arms"[76] the General Assembly, *inter alia*, requested the Secretary-General to submit a report on the effective implementation of such measures. Specifically, the Assembly invited Member States to provide the Secretary-General with relevant information on national control measures on arms transfers with a view to preventing illicit arms transfers. The Assembly also invited Member States to provide the Secretary-General with their views on: (a) effective ways and means of collecting weapons transferred illicitly, in particular in the light of experience gained by the United Nations; and (b) concrete proposals concerning measures at the national, regional and international levels to curb the illicit transfer and use of conventional arms. The Secretary-General, in his report,[77] transmitted to the General Assembly the replies received from Member States in response to those requests. The Assembly also noted the regional and subregional initiatives in conventional disarmament and arms control,[78] such as the activities of countries in South Asia, and in Europe, through the Treaty on Conventional Armed Forces in Europe.[79] The Assembly furthermore decided to give urgent consideration to conventional arms control at the regional and subregional levels, and requested the Conference on Disarmament to consider the formulation of principles that can serve as a framework for regional conventional arms control.

60. The Disarmament Commission, in 1996, adopted "Guidelines for International Arms Transfers".[80] In the Guidelines, concern is expressed about the problem of illicit arms trafficking, defined as "international trade in conventional arms which is contrary to the laws of States and/or international law". Suggesting actions to be taken by each Member State at the national, international and institutional levels to combat the problem of illicit arms trafficking, the guidelines recommended different initiatives to be undertaken by each State and at the international level. In 1999, the Disarmament Commission adopted "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in

the context of General Assembly resolution 51/45 N".[81] With the adoption of the guidelines, Member States emphasized that the excessive accumulation of small arms and light weapons could best be averted by a combination of reduction and prevention measures. The guidelines cover: practical disarmament measures in post-conflict situations; confidence-building in post-conflict situations; regional and international financial and technical assistance; other conventional arms control/limitation and disarmament measures; and the role of the United Nations.

### Small arms and light weapons

61. There is a broad consensus among Member States that the illicit proliferation and widespread use of small arms poses a threat to international peace and development. The Security Council, by its resolution 1209 (1998), expressed its concern at the destabilizing effect of illicit arms flows, in particular of small arms, to and in Africa, and urged Member States that had the ability to do so to cooperate with African States to strengthen their capacity to combat the movement of illegal arms. It requested the Secretary-General to consider practical ways to work with the African States in implementing national, regional or subregional programmes for voluntary weapons collection, disposal and destruction, including the possibility of the establishment of a fund to support such programmes.[82] In September 1999, the Security Council held its first ministerial debate on the issue of small arms. Following the debate, the Council President read a statement[83] on behalf of the members which underlined the vital importance of effective national regulations and controls on small-arms transfers. He also called for measures to discourage arms flows to countries or regions engaged in, or emerging from, armed conflicts. The Secretary-General was requested to develop a reference manual on ecologically safe methods of destroying weapons to help States dispose of weapons that have been surrendered. The General Assembly, in 1998 as well as in 1999,[84] requested the Secretary-General to hold broad-based consultations on: (a) the magnitude and scope of the phenomenon of illicit trafficking in small arms; (b) possible measures to combat illicit trafficking in, and illicit circulation of, small arms, including those suited to indigenous regional approaches; and (c) the role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms and light weapons. In accordance with that request, the Secretary-General submitted a report to the General Assembly at its fifty-fourth session.[85]

62. During the period under review, a number of activities were carried out to assist States in curbing the illicit traffic in small arms and collecting them.[86] The General Assembly welcomed Mali's initiative to curb the illicit circulation of small arms, to destroy thousands of small arms collected from ex-combatants and to collect those weapons also in the affected States of the Saharo-Sahelian subregion; encouraged the Secretary-General to continue his efforts to curb the illicit circulation of small arms and collect such arms in the affected States that so requested, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close cooperation with the Organization for African Unity (OAU); and encouraged further progress on the issue and appealed for further action and support from the region and from the international community.” The reports of the Secretary-General on assistance to States for curbing the illicit traffic in small arms and collecting them[87] referred to the actual experiences of West African States in this field of growing international concern and took into account a number of initiatives at the subregional, regional and international levels to address the issue of the illicit traffic in small arms.

63. By its resolution 50/70 B, the General Assembly requested the Secretary-General to prepare a report on small arms, with the assistance of a panel of governmental experts. Pursuant to that resolution, the report was submitted to the Assembly at its fifty-second session, in 1997.[88] The report contains a series of recommendations for dealing with the problems presented by such small arms. A second report, again with the assistance of a group of governmental experts, was submitted to the General Assembly at its fifty-fourth session.[89] The report reviewed the progress towards implementing the prevention and reductions recommendations contained in the 1997 report and outlined the objectives, scope and agenda for the international conference on the illicit arms trade in all its aspects, suggested to be held in 2001. The General Assembly[90] endorsed the recommendations and requested the Secretary-General to seek the views of Member States. The Secretary-General, in his note submitted to the General Assembly in 1999[91] in accordance with that request, acknowledged that political momentum had been building to give priority attention to curbing the illicit arms traffic and

supported the decision to convene an international conference on the issue no later than 2001. The proposal has received support from many more States and the Government of Switzerland has offered to host the Conference. At its fifty-fourth session, the General Assembly decided to convene the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in June/July 2001.[92] It also established a Preparatory Committee, which was requested to make recommendations to the Conference on all relevant matters, including the objective, a draft agenda, draft rules of procedure and draft final documents, which will include a programme of action, and to decide on background documents to be made available in advance. The Preparatory Committee held its first session from 28 February to 1 March 2000 and decided to convene a second session in January 2001 in New York.

64. A group of experts to address the problem of ammunition and explosives was established by the Secretary-General in 1999.[93] Its main objective was to examine whether enhanced controls on ammunition and explosives could contribute to preventing and reducing the excessive and destabilizing accumulation and proliferation, as well as the abuse, of small arms and light weapons. The report, which was submitted to the General Assembly at its fifty-fourth session,[94] contains a series of recommendations on prevention measures and reduction measures and on the role and activities of the United Nations. Furthermore, consultations were held in May 1999 with a group of qualified experts to examine the feasibility of carrying out a study on restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States. The consultative meeting of experts concluded that a study for restricting the manufacture and trade of small arms to manufacturers and dealers was both feasible and desirable, and could help Member States and the international community to promote national and international efforts in addressing the issue of the proliferation of small arms and light weapons.[95]

65. The Secretary-General has designated the Department for Disarmament Affairs as the focal point for the coordination of all action on small arms within the United Nations system. The Department has established the Coordinating Action on Small Arms (CASA) as the mechanism for implementing the decision of the Secretary-General. CASA includes all departments and agencies with comparative advantages in pursuing the fivefold objectives of the United Nations policy on small arms: to retain its lead in putting the issue on the global agenda; to assume a coordinating role in determining priorities for international action; to encourage civil society involvement in building societal resistance to violence; to strengthen United Nations capability for responding to requests for assistance by affected countries; and to ensure that its objectives are pursued without prejudice to the overall goals of the United Nations in the field of disarmament.

66. Negotiations on a protocol on the illicit manufacturing of and trafficking in firearms, ammunition and other related materials are under way within the United Nations Commission on Crime Prevention and Criminal Justice.[96] The General Assembly also supports initiatives undertaken outside the United Nations framework, such as: the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons of the Economic Community of West African States (ECOWAS)[97], the Oslo Understanding and the Brussels Call for Action,[98] the Decision on the Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes taken by the Southern African Development Community (SADC),[99] the Decisions on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons taken by the Organization of African Unity,[100] the code of conduct on arms sales adopted by the European Union,[101] the European Union programme for preventing and combating illicit trafficking in conventional arms and its Joint Action on Small Arms[102] and the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.[103]

### Register of Conventional Arms

67. Since the United Nations Register of Conventional Arms was launched in 1992, nearly 150 States have submitted data and information at least once, with a core group of about 80 States, including almost all major exporters and most major importers, that participate regularly. Each year, all States Members of the United Nations are asked to report their imports and exports of major conventional weapons during the previous year.[104] Information is requested on transfers of seven categories of such weapons: battle tanks; armoured combat vehicles; large

calibre artillery systems (over 100 mm); combat aircraft; attack helicopters; warships (above 750 tonnes); and missiles and missile launchers (range above 25 km). For each category, States are requested to provide the numbers of weapons that they have imported or exported for each country of origin or destination, using a standardized reporting form. They are also invited, on a voluntary basis, to provide further qualitative information on these transfers, such as the types and models of weapons involved and the purposes of the transfer. Participating States are similarly invited to provide "available background information" on their national procurement and military holdings. Since the first replies to the Register were submitted, a growing number of States have been willing to provide detailed information on the type and model of the weapons being transferred. Moreover, the inclusion of qualitative data on weapon types has also become nearly universal among participating arms importers.[105] At the regional level, in June 1999, the States members of the Organization of American States adopted the Inter-American Convention on Transparency in Conventional Weapons Acquisitions.[106] Using the United Nations Register of Conventional Arms, the Convention prescribes mandatory yearly reports on conventional weapons acquisitions and exports, complemented by specific reports on each acquisition.

68. In 1994[107] and in 1997[108], respectively, the continuing operation of the Register and its further development was reviewed by groups of governmental experts. One of the issues considered related to the addition of further categories of equipment and the expansion of the scope of the Register to include military holdings and procurement through national production, as a further measure to increase confidence-building and transparency in military matters. However, it has so far proved impossible to secure sufficiently wide support for either the inclusion of additional categories of conventional weapons or the expansion of the scope to the Register to include military holdings and procurements. Moreover, there was no agreement in these reviews to significantly revise or adjust the seven categories of arms covered by the Register. In 1999, the General Assembly, by its resolution 54/54 O, of 1 December 1999, requested Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development. It also requested the Secretary-General, with the assistance of a group of governmental experts to be convened in 2000, to prepare a report on the continuing operation of the Register and its further development. In addition, since 1997, the General Assembly has adopted resolutions entitled "Transparency in armaments",[109] by which it urged Member States to submit their views to the Secretary-General concerning broadening the scope of the Register to include weapons of mass destruction, in particular nuclear weapons, and also transfers of equipment and technology directly related to the development and manufacture of such weapons, and requested the Secretary-General, with the assistance of another group of experts, to report at its fifty-fifth session on the early expansion of the scope of the Register and on the elaboration of measures for the development of the Register in order to increase transparency related to weapons of mass destruction.[110]

### Prohibition or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

#### *Blinding laser weapons*

69. The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Inhumane Weapons Convention), to which are annexed Protocols on specific types of weapons, was concluded as a result of efforts to ban or curb the use of certain categories of weapons. The Convention and its Protocols provide for the protection of civilians and civilian objects from attack by means of incendiary weapons, landmines (see below) and booby traps, and prohibit entirely the use of any weapon the primary effect of which is to injure by fragments that cannot readily be detected in the human body. The Convention is kept under review in two contexts: that of wider adherence and that of broader scope, the latter either through the amendment of its existing Protocols, to make them more stringent, or through the elaboration of additional protocols.

70. The First Review Conference of States Parties to the Inhumane Weapons Convention, held at Vienna in October 1995, adopted a new legally binding instrument of humanitarian law prohibiting the use of laser weapons to blind soldiers or civilians. The new Protocol IV to the Inhumane Weapons Convention prohibits both the use and the transfer of laser weapons

specifically designed to cause permanent blindness as one of their combat functions. It also requires States to take all feasible precautions, including the training of their armed forces, to avoid permanent blinding through the legitimate use of other laser systems. Protocol IV entered into force in July 1998 and to date has 46 States parties.

### 6. Prohibition of anti-personnel landmines

71. In recent years, the determination of the international community has been growing to put an end to the suffering and casualties caused by anti-personnel mines. At first, impetus came primarily from the International Committee of the Red Cross (ICRC) and non-governmental organizations (NGOs); the question later also became the focus of disarmament endeavours within the United Nations.

72. The size of the problem and the indiscriminate suffering caused to civilians have led to a number of activities designed to restrict, if not eliminate, these weapons. Protocol II to the Inhumane Weapons Convention, while placing restrictions on the use of mines, does not prohibit their production and transfer. At the First Review Conference of States Parties to the Inhumane Weapons Convention, agreement on an amended Protocol II was reached in May 1996. Its scope of application was extended to cover both international and internal conflicts. It now prohibits the use of non-detectable anti-personnel mines and their transfer (albeit with a nine-year deferral period from entry into force) and places certain technical restrictions on the use of all anti-personnel mines. The Amended Protocol entered into force in December 1998 and to date has 47 States parties. The First Annual Conference to address the implementation of its provisions was held from 15 to 17 December 1999. The Conference issued a declaration urging all States that had not yet done so to accede to Amended Protocol II as soon as possible and decided to convene the Second Annual Conference at Geneva from 11 to 13 December 2000.

73. Amended Protocol II to the Inhumane Weapons Convention was broadly welcomed. However, it was widely felt that only the total prohibition and elimination of anti-personnel mines would put an end to the terrible human suffering they caused. As a result, an initiative that became known as the "Ottawa Process" was launched by advocates of a comprehensive ban on anti-personnel mines, including States, non-governmental organizations and international organizations. International conferences aiming at the elaboration of a legal instrument were held in Canada (1996), Austria (1997) and Belgium (1997), culminating in Norway (September 1997) with the adoption of the text of a Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.[111] The Convention was opened for signature in December 1997 and entered into force on 1 March 1999. It provides, *inter alia*, that States parties undertake "never under any circumstances to use, develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines" (article 1). Article 7 of the Convention, on transparency measures, provides for annual reports by States parties to the Secretary-General of the United Nations, the depositary of the Convention, on their national implementation measures, stockpiles of anti-personnel mines, the location of all mined areas, the status of programmes for the conversion or de-commissioning of anti-personnel mine production facilities, the status of programmes for the destruction of anti-personnel mines, etc. As provided for in the Convention, the first report shall be submitted by a State party as soon as practicable, but not later than 180 days following the entry into force of the Convention for that State party. To date, 30 States parties have reported to the Secretary-General. The First Meeting of the States Parties to the Convention was held in Maputo from 3 to 7 May 1999. In the Maputo Declaration, adopted at the conference, the States parties reaffirmed their commitment to the total eradication of anti-personnel mines[112]. The Second Meeting of the States Parties is scheduled to be held from 11 to 15 September 2000 at the Palais des Nations, Geneva. At present, the mine ban Convention has 90 ratifiers and 47 signatories.

74. There is growing awareness within the international community that what has come to be known as the global landmine crisis has far-reaching consequences and requires a multifaceted and integrated response. There is also recognition that the United Nations has a key role to play in articulating this response and in providing the necessary support and coordination mechanisms. This role was reaffirmed in successive resolutions of the General Assembly on assistance in mine clearance, as well as in the amended Protocol II to the Inhumane Weapons Convention and in the mine ban Convention. In response to various

requests made by the Assembly, the responsible entities of the United Nations continued and enhanced their humanitarian work in the area of landmine assistance, particularly the World Health Organization (WHO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs, the Department of Peacekeeping Operations, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the World Food Programme (WFP). The focal point for mine action is located in the Department of Peacekeeping Operations.

75. For a number of years, the United Nations as well as humanitarian and non-governmental organizations have been trying to tackle the problems caused by mines. The General Assembly since 1993 has adopted resolutions on mine-related issues, first entitled "Assistance in mine clearance" and later "Assistance in mine action", a term that encompasses mine clearance, mine awareness, victim assistance and globally effective advocacy.[113] By those resolutions the Assembly called upon Member States to provide the necessary information and technical and material assistance to locate, remove, destroy or otherwise render ineffective minefields, mines, booby traps and other devices in accordance with international law, as soon as possible. It urged Member States, regional organizations, governmental and non-governmental organizations and foundations to provide the Secretary-General with information, data and resources that could be useful in strengthening the coordination role of the United Nations in the field of mine awareness, training, surveying, mine detection and clearance, scientific research on mine-detection and clearance technology, and information on and distribution of medical equipment and supplies. Furthermore, the Assembly urged Member States and intergovernmental and non-governmental organizations and foundations to provide technological assistance to mine-inflicted countries and to promote scientific research and development on humanitarian mine-clearance techniques and technology, so that mine-clearance activities could be carried out more effectively. The Assembly also invited Member States to develop national programmes to promote awareness of landmines, especially among children.

76. A Voluntary Fund for Mine Clearance was established by the Secretary-General in 1994. The Secretary-General annually submitted reports on assistance in mine clearance and on the operation of the Voluntary Trust Fund for Assistance in Mine Clearance and other demining programmes.[114] During the period under review, there was an increase in the number of mine-action programmes in place and their scope.

77. An international meeting on mine clearance was held at Geneva from 5 to 7 July 1995, and an international conference on mine-clearance technology was held in Denmark in July 1996. These were followed by an expert conference on mechanical mine clearance in Bonn in December 1996 and a meeting on mine clearance and victim assistance in Tokyo in March 1997. The Secretary-General, in his 1999 report, stated that as coordinator of the consolidated appeal process, the Office for the Coordination of Humanitarian Affairs continued to work with partners to solicit timely and adequate funding for mine-action activities in countries covered by the appeal. In 1999, over $63 million was requested by various partners for various mine-action activities. However, only some $10 million had been received.[115]

### 7. Prevention of an arms race in outer space

78. The issue of the prevention of an arms race in outer space received further attention in the period under review. The General Assembly each year adopted resolutions on the subject.[116] By those resolutions, the Assembly reaffirmed the importance and urgency of preventing an arms race in outer space, and recognized that the legal regime applicable to outer space by itself did not guarantee the prevention of an arms race in outer space and that there was a need to consolidate and reinforce that regime and enhance its effectiveness. The Assembly emphasized the paramount importance of strict compliance with existing arms limitation and disarmament agreements, both bilateral and multilateral, and the necessity of further measures with appropriate and effective provisions for verification. The Assembly furthermore called upon States, in particular those with major space capabilities, to contribute to the peaceful uses of outer space and the prevention of an arms race in space and to refrain from actions contrary to that objective and to the relevant existing treaties. It invited the Conference on Disarmament to complete the examination and updating of the mandate and to establish an ad hoc committee on the prevention of an arms race in outer space.

79. The Conference on Disarmament, between 1995 and 1999, considered the issue of the prevention of an arms race in outer space. Delegations reaffirmed, or further elaborated on, their respective positions on the agenda item. However, owing to continuing divergent views, the Conference was unable to establish an ad hoc committee on the item. However, in 1998, a Special Coordinator was appointed who was mandated to seek the views of the members of the Conference on the most appropriate way to deal with the questions related to the prevention of an arms race in outer space. His report, resulting from bilateral as well as open-ended consultations with members and participating non-members of the Conference,[117] indicated that there was a general recognition of the importance and urgency of the issue and that it was also generally understood that, while there was no objection in principle to the re-establishment of an ad hoc committee on the subject, further consultations were needed. The Special Coordinator also proposed as a draft mandate for the re-establishment of an ad hoc committee to "continue to examine and to identify, through substantive and general consideration, issues relevant to the agenda item with a view to, *inter alia*, agreeing on a mandate for an ad hoc committee to negotiate specific measures towards the prevention of an arms race in outer space". There was a wide measure of support for the draft mandate and the approach therein, although finding consensus thereon would require further consultations. Therefore, the Special Coordinator recommended that the draft mandate be used as a basis for further consultations. In 1999, a number of proposals were put forward by delegations on how to deal with the issue.[118]

80. The issue was also referred to by the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), held at Vienna in July 1999. In the Declaration on Space and Human Development,[119] adopted by the Conference, the participating States recognized that outer space should be the province of all humankind, to be utilized for peaceful purposes and in the interests of maintaining international peace and security, in accordance with international law, including the Charter of the United Nations. They also reaffirmed the common interest of all humanity in the progress of the exploration and use of outer space for peaceful purposes, and stressed their conviction of the need to prevent an arms race in outer space as an essential condition for the promotion of international cooperation in this regard.

### 8. Arms limitation and disarmament measures relating to the environment and to the sea

81. Concern for the natural environment in connection with disarmament has been considered within the multilateral disarmament framework for decades. In earlier years, attention focused on the modification of the environment for military purposes and resulted in the conclusion of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention) in 1977. At present, the Convention has 66 States parties. In the Final Declaration adopted by the second ENMOD Review Conference in 1992 it was stated that a third Review Conference might be held at the request of a majority of States parties not earlier than 1997. Since no such request has been made to date, according to article VIII, paragraph 3, of the Convention, the Secretary-General of the United Nations, as depositary, is requested to solicit the views of all States parties concerning the convening of such a Conference before 2002.

82. In recent years, international attention has shifted towards a different aspect of the environmental issue. The General Assembly, in the period under review, annually adopted resolutions on the "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control".[120] By those resolutions, the General Assembly reaffirmed that international disarmament forums should take fully into account the relevant environmental norms in negotiating treaties and agreements on disarmament and arms limitation, and that all States, through their actions, should fully contribute to ensuring compliance with those norms in the implementation of treaties and conventions. Furthermore, States were called upon to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress in international security, disarmament and other related spheres, without detriment to the environment or to attaining sustainable development. The Assembly invited all Member States to communicate to the Secretary-General information on the measures they had adopted to promote the objectives envisaged in the resolutions, and requested the Secretary-General to report to the

General Assembly on the information received. Accordingly, the Secretary-General submitted reports to the Assembly containing information provided by Member States on the implementation of the measures they had adopted.[121]

83. The Third Review Conference of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof, held in 1989, had requested the Secretary-General to report at three-year intervals on developments relevant to the Seabed Treaty and on verification of compliance with its provisions. Pursuant to that request, the Secretary-General, in 1995 and 1998, submitted reports to the General Assembly transmitting replies from Governments regarding technological developments relevant to the Treaty.[122]

### 9. Science and technology

#### New scientific and technological developments; advanced technologies

84. International attention continues to be given to the question of modern military technology and its impact on international security. During the period under review, the General Assembly adopted resolutions on the issue which reflected the existing differences in approach to the subject. By two resolutions,[123] the Assembly stressed that progress in science and technology for civilian applications needed to be maintained and encouraged. States were invited to enhance the dialogue on the role of science and technology in the context of international security, disarmament and other related fields with a view to ensuring implementation of their relevant commitments and exploring ways and means of further developing international legal rules on transfers of high technology with military applications. By other resolutions,[124] the Assembly expressed concern that the military application of scientific and technological developments could contribute significantly to the improvement and upgrading of advanced weapons and particularly weapons of mass destruction. The Assembly furthermore affirmed that scientific and technological progress should be used for the benefit of all mankind to promote the sustainable economic and social development of all States and to safeguard international security, and that international cooperation in the use of science and technology through the transfer and exchange of technological know-how for peaceful purposes should be promoted. Member States were invited to undertake additional efforts to apply science and technology for disarmament-related purposes and to make disarmament-related technologies available to interested States. Member States were also urged to undertake multilateral negotiations with the participation of all interested States in order to establish universally acceptable, non-discriminatory guidelines for international transfers of dual-use goods and technologies and high technology with military applications. In accordance with requests made by the Assembly in those resolutions, the Secretary-General submitted several reports[125] on the subject to the General Assembly.

#### Information and telecommunication

85. In 1998, for the first time, and in 1999, the General Assembly addressed the issue of developments in the field of information and telecommunications in the context of international security.[126] By those resolutions, the Assembly expressed concern that information technologies and means could potentially be used for purposes that were inconsistent with the objectives of maintaining international stability and security and might adversely affect the security of States. Member States were called upon to promote at multilateral levels the consideration of existing and potential threats in the field of information security. Furthermore, the General Assembly invited all Member States to inform the Secretary-General of their views and assessments on the general appreciation of the issues of information security; the definition of basic notions related to information security, including unauthorized interference with or misuse of information and telecommunications systems and information resources; and on the advisability of developing international principles that would enhance the security of global information and telecommunications systems and help to combat information terrorism and criminality. In accordance with those requests, the Secretary-General submitted a report to the General Assembly at its fifty-fourth session.[127] In August 1999, the Department for Disarmament Affairs and the United Nations Institute for Disarmament Research (UNIDIR), pursuant to General Assembly resolution 53/70 of 4 December 1998, held an international meeting of experts in Geneva on developments in the field of information

and telecommunications in the context of international security.

### Missile Technology Control Regime

86. In the period under review, concerns over the past several years about the dangers to international security posed by revived interest in missiles and missile defences have further increased. There are reportedly more than a dozen States possessing various levels of capabilities for the development and production of ballistic missiles and it has become increasingly easier to obtain access to technology, expertise and information for the development of such systems. There is, however, currently no multilateral treaty or agreement regulating the production, possession or trade of missiles. There are also no multilaterally negotiated norms against the spread of ballistic-missile technology for military purposes. The General Assembly, in 1999, adopted a resolution on the subject of missiles,[128] by which it expressed its conviction of the need for a comprehensive approach towards missiles in a balanced and non-discriminatory manner, and requested the Secretary-General to seek the views of all Member States on the issue of missiles, in all its aspects.

87. The Missile Technology Control Regime (MTCR), established in 1987, which has at present 32 members, is an informal and voluntary export control regime that seeks to limit the proliferation of missile systems and related technology. MTCR consists of a basic policy statement, a set of guidelines to limit the conditions under which missile technology may be transferred, a list of technologies to be controlled and an informal mechanism by which the partners can share information about potential transfers. However, the control regime has not been generally accepted. Many developing countries consider such restrictions to be discriminatory and fear that they may adversely affect their economic development. Most industrialized countries, on the other hand, maintain that there is a need to strengthen the existing control regimes involving the transfer of science and technology which could be used for military purposes. The rules limit the export of ballistic missiles with range of at least 300 kilometres and a payload of at least 500 kilograms. The regime, originally meant to control only transfers of equipment and technology which could make a contribution to missile systems capable of delivering nuclear weapons, was amended in 1993 to cover also missiles capable of delivering biological and chemical weapons.

## 10. Confidence-building measures/transparency in armaments

88. The subject of confidence-building, encompassing a variety of measures conducive to achieving structures of security based on cooperation and openness, has been addressed continuously in various resolutions adopted by the General Assembly. Whereas in the past attention centred mainly on the development of the general concept of confidence-building, the focus has recently shifted somewhat towards supporting the various aspects of United Nations work on disarmament, training, security and confidence-building in the regional framework. Within this context, resolutions adopted by the General Assembly[129] generally supported proposals for disarmament and confidence-building at the global, regional and subregional levels which were complementing each other and should therefore be pursued simultaneously to promote regional and international peace and security. Member States were called upon to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels. In a more specific context, the General Assembly supported the activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa.[130] The Assembly reaffirmed its support for efforts aimed at confidence-building measures, the promotion of peace and the prevention, management and settlement of political crises and armed conflicts in Central Africa at the regional and subregional levels. It furthermore appealed for voluntary contributions to the Trust Fund for implementing the work of the Standing Advisory Committee and requested continued assistance from the United Nations for continuing its work. In accordance with requests made by the General Assembly, the Secretary-General submitted a number of reports on the subject.[131]

89. Convinced that objective information and greater openness with respect to military activities would contribute to increased confidence among States, the General Assembly has promoted transparency in armaments as part of the general process of confidence-building. The two major projects in this respect consist of the establishment, maintenance and

development of the Register of Conventional Arms (see paras. 67-68 above) and the system for standardized reporting on military expenditures (see para. 91 below).

90. The subject of transparency in armaments was also considered in the Conference on Disarmament and a Special Coordinator on the issue was appointed in March 1998. In his report to the Conference at the end of the 1998 session, the Coordinator underlined three main aspects of the issue: the merits of transparency in armaments, the scope of activity on transparency in armaments, and possible ways of dealing with transparency in armaments within the Conference on Disarmament. The Coordinator referred to a "largely shared view" among delegations to the Conference about establishing an ad hoc committee on transparency in armaments with a deliberative mandate to consider all proposals made regarding the three main aspects mentioned above. The next possible step could then be to decide which topic could be usefully elaborated and negotiated towards measures at the global level. Although the common endeavours had brought the Conference closer together, there was no consensus view on how to proceed further on the subject of transparency in armaments. In 1999, the Conference on Disarmament, in accordance with General Assembly resolution 53/77 V of 4 December 1998, had the item of transparency in armaments on its agenda, but no new developments occurred and delegations merely reaffirmed or further elaborated their respective positions on the issue during plenary meetings of the Conference. A number of proposals have been made in this regard.[132]

### 11. Disarmament, development and other economic aspects

91. The social and economic consequences of military expenditure remain a cause for concern. With the prospects of significant reductions in armed forces and armaments in the 1990s, the issue of the "peace dividend" has drawn considerable attention. From the beginning of the decade, the worldwide trend in military spending was downward. It has been estimated that in the decade of 1985-1995, between $720 billion and $935 billion in funds was theoretically made available as a result of defence cutbacks. However, that trend has not had a major impact on military budgets and, to date, hopes for a massive peace dividend for productive and development-oriented needs have not yet materialized. There were signs that the recent trend would be reversed and global military expenditure would rise starting in 2000. Within the United Nations framework, efforts continued towards achieving wider participation in the voluntary system for standardized reporting on military expenditures and the General Assembly, by several resolutions,[133] called upon Member States to take part in the reporting system.[134] The Secretary-General submitted annually standardized reports to the General Assembly containing information provided by Member States with regard to their military expenditure.[135] To date only a limited number of some 30 States have participated annually in the reporting system. Responding to requests made by the General Assembly, the Secretary-General submitted reports on ways and means to implement the guidelines and recommendations for objective information on military matters, including, in particular, how to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures.[136] The Secretary-General, furthermore, held consultations with relevant international bodies with a view to ascertaining the requirements for adjusting the existing instrument to encourage wider participation, with emphasis on examining possibilities for enhancing complementarity among international and regional reporting systems and to exchange related information with those bodies.

92. Conversion of military facilities for productive civilian purposes is another long-standing issue. This concept is being increasingly viewed in a wider context, in terms of the transformation of military structures and resources for peaceful uses, covering not only the conversion of military production facilities but also the downsizing of military forces, the reduction of military expenditures, the orientation of research-and-development spending, the demobilization and reintegration of former combatants and the destruction of surplus weapons. Many of these issues are critical to transitional societies and to post-conflict societies which face the daunting task of reconstruction in the aftermath of devastating civil war.

93. The possibility of reducing the resources devoted to the military sector and reallocating part of them to civilian purposes as well as the issue of economic costs of disarmament received renewed attention of the international community following the end of the cold war. There is a growing consensus that unless socio-economic progress can be made on a sustainable basis

and the fundamental human rights of people are fully recognized, conflict and violence will continue to undermine development prospects. The General Assembly, during the period under review, each year adopted resolutions on the relationship between disarmament and development.[137] By those resolutions, the Assembly urged the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever widening gap between developed and developing countries. Furthermore, the Assembly requested the Secretary-General to continue to take action for the implementation of the action programme adopted at the International Conference on the Relationship between Disarmament and Development, held in 1987, and to report thereon. Accordingly, the Secretary-General submitted a number of reports on the subject to the General Assembly.[138] In his report to the General Assembly at its fifty-fourth session, the Secretary-General indicated that a high-level Steering Group on Disarmament and Development had been established within the United Nations system. The purpose of the Steering Group was to determine the short-, medium- and long-term priorities from a broadly defined mandate (as contained in the action programme adopted at the International Conference on the Relationship between Disarmament and Development), within the framework of current international relations. The Steering Group identified specific programmes and activities, including the holding of periodic seminars to focus on specific issues in the disarmament and development field. An International Conference on Sustainable Disarmament for Sustainable Development was held at Brussels in October 1998,[139] and a symposium on Disarmament and Development was held at United Nations Headquarters in July 1999.

## *Notes*

[1] Article VI of the Treaty reads as follows:

> "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

[2] A/51/218, annex.

[3] See General Assembly resolution 49/75 K.

[4] See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 4* (A/51/4), para. 182. The conclusion was drawn by seven votes to seven, by the President's casting vote.

[5] The resolutions were adopted with the following voting results: resolution 51/45 M (115 to 22, with 32 abstaining); 52/38 O (116-26-24); 53/77 W (123-25-25); 54/54 Q (114-28-22).

[6] A/54/161 and Add.1.

[7] The resolutions were adopted with the following voting results: 50/71 E (108-27-28); 51/46 D (114-31-27); 52/39 C (109-30-27); 53/78 D (111-39-22); 54/55 D (104-42-17).

[8] General Assembly resolutions 53/77 F (108-45-17) and 54/54 K (104-43-14).

[9] See NATO press release NAC-S(99)65, 24 April 1999.

[10] The White House, Office of the Press Secretary, press release, 5 January 2000.

[11] See *Krasnaya Zvezda*, No. 10, 20 January 2000.

[12] Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", paragraphs 3 and 4, read as follows:

> "Nuclear disarmament"
>
> "3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.
>
> "4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:
>
> (a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending entry into force of a Comprehensive Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;
>
> (b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the

production of fissile material for nuclear weapons or other nuclear devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control."

[13] CD/1457.

[14] A/53/667-S/1998/1071.

[15] The executive summary of the report was circulated as a document of the Conference on Disarmament (CD/1429).

[16] A/C.1/52/7.

[17] A/54/205-S/1999/853, annex.

[18] The resolutions were adopted with the following voting results: 50/70 P (106-39-17); 51/45 O (110-39-20); 52/38 L (109-39-18); 53/77 X (110-41-18); 54/54 P (104-41-17).

[19] A/54/371.

[20] The resolutions were adopted with the following voting results: 53/77 Y (114-18-38); 54/54 G (111-13-39).

[21] A/54/372.

[22] The resolutions were adopted with the following voting results: 50/70 C (154-0-10); 51/45 G (159-0-11); 52/38 K (156-0-10); 53/77 U (160-0-11); 54/54 D (153-0-12).

[23] A/54/205-S/1999/853, annex.

[24] The resolutions, though in large part identical, differed in one respect: the drafts sponsored by Western and Eastern European States (solely by the United States in 1997 and 1998) — 50/70 I (150-0-14); 51/45 R (160-0-11); 52/38 M (161-0-8); 53/77 Z (166-0-8) — made reference to the Non-Proliferation Treaty, while the drafts sponsored by non-aligned States — 50/70 N (105-37-20); 51/45 I (107-37-24) — did not, largely owing to the fact that some of these countries are not parties to the Treaty.

[25] Resolution 54/54 A was adopted by 80 votes to 4, with 68 abstentions.

[26] See A/C.1/54/PV.24.

[27] Group of 21 (CD/1388).

[28] Algeria, Bangladesh, Brazil, Cameroon, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Mexico, Mongolia, Morocco, Myanmar, Nigeria, Pakistan, Peru, Senegal, Sri Lanka, Syrian Arab Republic, Venezuela, Viet Nam, Zaire and Zimbabwe (CD/1419).

[29] Egypt (CD/1453); Algeria, Bangladesh, Brazil, Cameroon, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Mexico, Mongolia, Myanmar, Nigeria, Pakistan, Peru, Senegal, Sri Lanka, Syrian Arab Republic, Venezuela, Viet Nam and Zimbabwe (CD/1463); South Africa (CD/1483); Algeria (CD/1545); Egypt (CD/1563); Group of 21 (CD/1571).

[30] Canada (CD/1486); Belgium (CD/1496); Belgium, Germany, Italy, Netherlands and Norway (CD/1565); Canada (CD/1568 and CD/1574).

[31] CD/1542 was submitted by Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden. The Joint Declaration was also issued as document A/53/138.

[32] NPT/CONF.1995/32 (Part I), decision 2, para. 4 (b).

[33] CD/1299.

[34] *Official Records of the General Assembly, Fiftieth Session, Supplement No. 27* (A/50/27) paras. 27-28.

[35] CD/1547.

[36] CD/1555.

[37] Resolution 53/77 I was adopted without a vote.

[38] CD/1566, CD/1570, CD/1575, CD/1578, CD/1586 and CD/1593.

[39] NPT/CONF.2000/PC.I/6; the joint statement was also issued as document CD/1460.

[40] A/53/371-S/1998/848, annex.

[41] United States State Department, Office of the Spokesman, 26 September 1997.

[42] CD/1589.

[43] The White House, Office of the Press Secretary, 20 June 1999.

[44] CD/1327.

[45] A/C.1/54/3.

[46] CD/1599.

[47] CD/1584.

[48] S/1999/996.

[49] A/C.1/54/3.

[50] See IAEA, 43rd General Conference, PR 99/10, 27 September 1999.

[51] United States Department of Defense, press release 307-99, 24 June 1999.

[52] United States Department of Defense press release, 5 August 1999.

[53] See A/C.1/53/PV.5, 18 and 30; and A/C.1/54/PV.12.

[54] See A/C.1/53/PV.5 and A/C.1/54/PV.5.

[55] See CD/PV.800; A/C.1/53/PV.16 and 28; see also NPT/CONF.2000/PC.II/SR.4.

[56] See A/C.1/53/PV.16 and 30; see also NPT/CONF.2000/PC.I/26.

[57] See A/C.1/53/PV.16 and 23; see also NPT/CONF.2000/PC.II/SR.9; A/C.1/54/PV.5; and NPT/CONF.2000/PC.III/SR.1.

[58] *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 42* (A/34/42), sect. IV, para. 19.

[59] General Assembly resolution 50/70 F.

[60] Resolution 54/54 U was adopted without a vote.

[61] Resolutions 50/79, 51/54, 52/47, 53/84 and 54/61 were adopted without a vote.

[62] Resolutions 51/45 T, 52/38 T, 53/77 R and 54/54 E were adopted without a vote.

[63] See CD/1164.

[64] S/1995/864 and S/1995/1038.

[65] Resolutions 1115 (1997), 1134 (1997) and 1137 (1997).

[66] S/1998/166.

[67] Resolution 1154 (1998).

[68] Resolution 1194 (1998).

[69] S/1998/1172.

[70] S/1999/100.

[71] S/1999/415.

[72] The resolution was adopted by a vote of 11 to none, with China, France, Malaysia and the Russian Federation abstaining.

[73] General Assembly resolutions 51/37 and 54/44 were adopted without a vote.

[74] Resolutions 51/45 N, 52/38 G, 53/77 M and 54/54 H were adopted without a vote; see also A/52/289 and A/54/258.

[75] A/52/289.

[76] Resolutions 50/70 J and 51/45 F.

[77] A/52/229.

[78] Resolutions 50/70 L (158-0-7); 51/45 Q (164-1-2); 52/38 Q (164-1-2); 53/77 P (164-1-2); and 54/54 M (159-1-1).

[79] The Treaty on Conventional Armed Forces in Europe (CFE) Treaty (CD/1064) was signed at Paris in November 1990 by members of NATO and the former Warsaw Pact. Decisions for adapting the Treaty were taken in 1996, 1997 and 1998. An Agreement on Adaptation of the CFE Treaty was agreed upon in November 1999.

[80] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 42* (A/51/42) annex I.

[81] Ibid., *Fifty-fourth session, Supplement No. 42* (A/54/42) annex III.

[82] See resolution 1209 (1998).

[83] S/PRST/1999/28.

[84] Resolutions 53/77 T and 54/54 R were adopted without a vote.

[85] A/54/404 and Add.1.

[86] Resolutions 50/70 H, 51/45 L, 52/38 C, 53/77 B and 54/54 J were adopted without a vote.

[87] A/50/405, A/51/452, A/52/264, A/53/207 and A/54/309.

[88] A/52/298.

[89] A/54/258.

[90] Resolutions 52/38 J (158-0-6) and 53/77 E (169-0-1).

[91] A/54/260.

[92] Resolution 54/54 V was adopted by 119 votes to none, with 2 abstentions.

[93] See resolution 52/38 J.

[94] A/54/155.

[95] See A/54/160.

[96] See A/AC.254/4/Add.2/Rev.2; A/AC.254/4/Rev.4; and A/AC.254/L.147/Add.3.

[97] A/53/763-S/1998/1194. A Code of Conduct to backstop the implementation of the Moratorium was adopted on 10 December 1999 by the heads of State and Government of ECOWAS.

[98] A/53/681.

[99] A/54/488-S/1999/1082.

[100] A/54/424.

[101] CD/1544.

[102] A/54/374.

[103] A/53/78.

[104] See General Assembly resolutions 50/70 D (149-0-15); 51/45 H (154-0-15); 52/38 R (155-0-12); 53/77 V (159-0-12); and 54/54 O (150-0-12).

[105] See A/50/547; A/51/300 and Add.1-4; A/52/312 and Corr.1 and 2 and Add.1-4; A/53/334 and Add.1 and 2 and Corr.1 and 2; and A/54/226 and Add.1 and 2.

[106] CD/1591.

[107] A/49/316.

[108] A/52/312.

[109] Resolutions 52/38 B (98-45-13); 53/77 S (104-46-17); and 54/54 I (97-48-15).

[110] See resolution 54/54 I.

[111] CD/1478.

[112] See document APL/MSP.1/1999/1, part II.

[113] Resolutions 50/82, 51/149, 52/173, 53/26 and 54/191.

[114] See, for example, A/51/540, A/52/679, A/53/496 and A/54/445.

[115] See A/54/445.

[116] Resolutions 50/69 (121-0-46); 51/44 (126-0-44); 52/37 (128-0-39); 53/76 (165-0-4); and 54/53 (162-0-2).

[117] See CD/PV.797 and CD/PV.805.

[118] See, for example, CD/1487 (Canada); CD/1569 (Canada); and CD/1576 (China).

[119] A/CONF.184/6.

[120] Resolutions 50/70 M (157-4-2); 51/45 E (137-4-27); 52/38 E (160-0-6); 53/77 J (170-0-4); and 54/54 S (159-0-4).

[121] A/53/158 and Add.1 and 2; A/54/163 and Add.1.

[122] A/50/383 and A/53/160.

[123] Resolutions 50/62 (104-6-53) and 51/40 (161-0-8).

[124] Resolutions 50/63 (157-0-9); 51/39 (105-39-24); 52/33 (103-43-19); 53/73 (99-45-23); and 54/50 (98-46-19).

[125] A/50/409, A/53/202 and A/54/167 and Add.1.

[126] Resolutions 53/70 and 54/49 were adopted without a vote.

[127] A/54/213.

[128] Resolution 54/54 F was adopted by 94 votes to none, with 65 abstentions.

[129] Resolutions 50/70 K (165-0-1); 51/45 K (170-0-1); 52/38; 53/77 O; and 54/54 N (the last three resolutions were adopted without a vote).

[130] See resolutions 50/71 B, 51/46 C, 52/39 B, 53/78 A and 54/55 A (all resolutions were adopted without a vote).

[131] A/50/474, A/51/287, A/52/293, A/53/369 and A/54/364.

[132] CD/1494 (Netherlands); see also reports of the Special Coordinator on his consultations with members and participating non-members of the Conference on the most appropriate way to deal with this item (CD/PV.799 and CD/PV.805).

[133] Resolutions 51/38, 52/32, 53/72 and 54/43 (all resolutions were adopted without a vote).

[134] See resolution 35/142 B, para. 2.

[135] A/50/277 and Add.1, A/51/209, A/52/312, A/53/218 and A/54/298.

[136] A/53/218 and A/54/298.

[137] Resolutions 50/70 G, 51/45 D, 52/38 D, 53/77 K and 54/54 T (all resolutions were adopted without a vote).

[138] A/50/388, A/51/207, A/52/228, A/53/206 and A/54/254.

[139] A/53/681, annex.

NPT/CONF.2000/5

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Implementation of article VII of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference

### Background paper prepared by the United Nations Secretariat

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# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General to prepare for the Conference a background paper on the developments since the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons relating to the implementation of article VII, addressing proposals for the establishment of nuclear-weapon-free zones where they had not yet been established.

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

3. The present paper is submitted in response to that request. It covers developments between May 1995 and February 2000. A detailed account of events prior to May 1995 is contained in the background paper on the same subject prepared for the 1995 Review and Extension Conference (NPT/CONF.1995/5 and Corr.1). As separate papers have been prepared on the Treaty of Tlatelolco (NPT/CONF.2000/12), the Treaty of Rarotonga (NPT/CONF.2000/13), the Pelindaba Treaty (NPT/CONF.2000/14) and the Treaty of Bangkok (NPT/CONF.2000/15), the present paper does not address developments with regard to those treaties.

# II. Background

4. The concept of nuclear-weapon-free zones was first developed in the late 1950s as a possible complementary measure to the efforts of the international community being pursued at the time, with a view to establishing a global regime for the non-proliferation of nuclear weapons. It gained a momentum of its own in the context of regional approaches to arms control and disarmament, i.e., as an expression of the desire of non-nuclear-weapon States to protect themselves from the potential danger of nuclear confrontation and also to preclude the possible deployment of nuclear weapons on their territories and in the adjacent areas. In view of its rather broad objective, the establishment of such zones could not be considered in isolation from the military-strategic situation in the world in existence throughout the cold-war era. This element played a decisive role in the consideration of various proposals for the establishment of nuclear-weapon-free zones and the acceptance of their terms by the nuclear-weapon States. In addition, specific regional and subregional characteristics and security concerns have had an impact on the promotion and/or consideration of such proposals by the States concerned.

5. Each nuclear-weapon-free zone established or proposed thus far has been intended to meet specific conditions as set by the States concerned. A general definition of the zonal concept was provided by the General Assembly in 1975.[1] Under that definition, a nuclear-weapon-free zone is any zone which States, in the free exercise of their sovereignty, have legally agreed upon, which is totally free of nuclear weapons and which has an international verification system to guarantee compliance with the obligations. Three measures in particular are of central importance for the achievement of the objectives of a nuclear-weapon-free zone: non-possession of nuclear weapons by zonal States; non-stationing of nuclear weapons within the geographical area of the zone by any State; and the non-use or non-threat of use of nuclear weapons against targets within the zone. In 1978, meeting at its first special session on disarmament, the General Assembly noted that "the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure".[2]

6. Over the years, numerous proposals for nuclear-weapon-free zones have been put forward in various forums. Some of these have led to the conclusion of specific agreements. The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), concluded in 1967, was the first agreement to establish a nuclear-weapon-free zone with respect to a densely populated area. The second such agreement, the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga), was concluded in 1985. A detailed review of activities related to the two treaties, including their scope and the process of implementation, is provided in the separate background papers prepared by the respective secretariats. The Treaty of Tlatelolco is covered in document NPT/CONF.2000/12 and the Treaty of Rarotonga in document NPT/CONF.2000/13.

7. In its decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 1995 reaffirmed the conviction that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security. They underlined that "the development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East, as well as the establishment of zones free of all weapons of mass destruction, should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome". They further stressed that "the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols".[3]

# III. Developments since the 1995 Review and Extension Conference

## A. General

8. The varying perspectives and concerns of Member States vis-à-vis the very concept of nuclear-weapon-free zones, specific instances of such zones and the relationship between the subject and the very broad issue of nuclear disarmament were reflected in the deliberations at the United Nations Disarmament Commission, which had on the agenda of its 1997, 1998 and 1999 sessions an item entitled "The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned". In 1999, the Commission adopted by consensus a document on "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned".[4] In that document, the Commission, *inter alia*, gives a general overview on the concept of nuclear-weapon-free zones, and defines objectives and purposes as well as principles and guidelines. In the forward-looking part on initiatives to establish new zones, it stresses that "the establishment of nuclear-weapon-free zones in regions for which consensus resolutions of the General Assembly exist, such as the Middle East and Central Asia, as well as the development of zones free from all weapons of mass destruction, should be encouraged". The Disarmament Commission, furthermore, stated that "the international community should continue to promote the creation of nuclear-weapon-free zones around the globe in an effort towards achieving the ultimate goal of freeing the entire world from all nuclear weapons as well as other weapons of mass destruction, and, more broadly speaking, of general and complete disarmament under strict and effective international control, so that future generations can live in a more stable and peaceful atmosphere".

9. During the period under review, discussions and/or negotiations on the establishment of nuclear-weapon-free zones were continuing within the framework of the United Nations as well as outside. As a result, two additional treaties establishing nuclear-weapon-free zones were concluded. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) was signed in December 1995 and entered into force in March 1997 (for detailed information see NPT/CONF.2000/15). The African Nuclear-Weapon-Free-Zone Treaty (Treaty of Pelindaba) was signed in April 1996. It has not yet entered into force (for detailed information see NPT/CONF.2000/14).

## B. Proposals for the establishment of nuclear-weapon-free zones

### 1. Asia

10. Owing to widely varying security conditions and concerns of the States in the region, the proposals put forward thus far for the establishment of nuclear-weapon-free zones refer to various subregions of Asia rather than to the continent as a whole.

#### (a) Central Asia

11. With the adoption of its resolution 53/77 D of 4 December 1998, the General Assembly for the first time unanimously welcomed the declaration by Mongolia of its nuclear-weapon-free status, which it had already declared in 1992. The General Assembly, furthermore, invited Member States, including the five nuclear-weapon States, to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's independence, sovereignty and territorial integrity, the inviolability of its borders, its economic security, its ecological balance and its nuclear-weapon-free status, as well as its independent foreign policy. The Assembly appealed to the member States of the Asia and Pacific region to support Mongolia's efforts to join relevant regional security and economic arrangements. Several States, including Australia, China, Jamaica and the United States of America,[5] welcomed and supported Mongolia's decision to stay nuclear-weapon-free. The Secretary-General is expected to submit a report to the General Assembly at its fifty-fifth session on the implementation of the resolution. The issue was discussed at a regional disarmament meeting on security concepts in a changing world held at Ulaanbaatar in August 1999. On 3 February 2000, the parliament of Mongolia adopted the Law on Mongolia's International Security and Nuclear-Weapon-Free Status as well as a resolution on measures to be taken in connection with the adoption of the law.

12. The removal of nuclear weapons from the territory of Kazakhstan and its signing of the Non-Proliferation Treaty together with the other Central Asian States, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, created a new culture of nuclear security in the region. In February 1997, the heads of State of the Central Asian States adopted the Almaty Declaration in which they expressed, *inter alia*, the united view of the countries, which had signed the Non-Proliferation Treaty, on the need to proclaim Central Asia a nuclear-weapon-free zone.[6] In September 1997, the Ministers for Foreign Affairs of the Central Asian States issued a statement in which they, *inter alia*, reaffirmed that the need to declare Central Asia a nuclear-weapon-free zone was the most important consideration in strengthening regional security and stressed that the establishment of a nuclear-weapon-free zone in Central Asia was consistent with national, regional and global security interests. The five States called upon the permanent members of the Security Council and all States to support the initiative for the establishment of a nuclear-weapon-free zone in Central Asia and provide all possible assistance for its establishment. Furthermore, they appealed to the specialized agencies of the United Nations system to establish a group of United Nations experts with the participation of a regional group of experts to consider ways and means of preparing and implementing a treaty establishing a nuclear-weapon-free zone in Central Asia as well as the elements of such a treaty.[7]

13. The General Assembly, by its resolutions adopted in 1997 and 1998,[8] called upon all States to support the initiative aimed at establishing a nuclear-weapon-free zone in Central Asia and requested the Secretary-General of the United Nations to provide assistance in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia. Consequently, an expert group to prepare the form and elements of an agreement for such a zone was established, consisting of experts from each of the five States. The Group has held four meetings since 1998. As requested by the Group, the United Nations and the International Atomic Energy Agency (IAEA) have been providing expert advice. While progress has been made towards drafting a treaty on establishing such a zone in Central Asia, final agreement on the text is still outstanding. The Group was expected to meet in March 2000 with a view to finalizing its work.

#### (b) North-east Asia

14. With the adoption of the Joint Declaration on the Denuclearization of the Korean Peninsula, agreed upon between the Democratic People's Republic of Korea and the Republic of Korea in 1991,[9] both States committed themselves to the use of nuclear energy solely for peaceful purposes and to forgoing nuclear

reprocessing and uranium enrichment facilities. They furthermore committed themselves not to test, manufacture, possess, store, deploy or use nuclear weapons and to provide for verification. In October 1994, the Democratic People's Republic of Korea and the United States concluded an "Agreed Framework" for action, in which the Democratic People's Republic of Korea, *inter alia*, reaffirmed that it would take steps to implement the Joint Declaration on the Denuclearization of the Korean Peninsula and would engage in North-South dialogue. Talks on nuclear issues had begun in October 1993, but were suspended in March 1994. During the period under review, there were no further developments with regard to the implementation of the Joint Declaration. The Republic of Korea has on various occasions and in various international forums reiterated its calls for the early and full implementation of the Joint Declaration.[10]

### (c) South Asia

15. The proposal for the establishment of a nuclear-weapon-free zone in South Asia has been the subject of resolutions adopted by the General Assembly since 1974. In the view of the proponents of the project, a regime similar to those established in Latin America and the South Pacific should be established in South Asia as well. Pakistan proposed the holding of a conference on nuclear non-proliferation in South Asia under the auspices of the United Nations, with the participation of regional and other interested States. India, one of the major States in the region, took the position that without a proper definition of the geographic extent, security needs and concerns of a region, endorsement of the concept would be inappropriate. It also considered nuclear disarmament to be an issue that required a global rather than a regional approach. In 1998, after India and Pakistan had undertaken nuclear test explosions in May of that year, Pakistan did not submit its traditional draft resolution on a nuclear-weapon-free zone in South Asia, as it believed that this goal was no longer a realistic prospect.[11]

## 2. Europe

16. The earliest specific proposals for a nuclear-weapon-free zone were made with respect to Europe. During the period of East-West tension, various initiatives were made relating in particular to the Balkans and Central Europe. None of them, however, resulted in concrete negotiations and some are no longer considered applicable. As a result of recent changes in the security situation in Europe, a proposal for a nuclear-weapon-free zone or space in Central and Eastern Europe is being advocated, in particular by Belarus.[12] In 1998, the General Assembly adopted a resolution entitled "Regional disarmament".[13] By that resolution, the General Assembly, *inter alia*, urged all concerned States to have no intention, no plan and no reason to deploy nuclear weapons on the territory of the non-nuclear States in the region of Central and Eastern Europe. The proposal did not meet with the support of the majority of the States of the region concerned, which stressed that there was no consensus on the objectives of such a zone and that before the matter was brought into international forums, it should be preceded by broad consultations on the matter among the States of the region.[14] Other States stressed that they could not support the proposal since nuclear-weapon-free zones must be based on agreements freely arrived at among the States concerned. China and the Russian Federation, on the other hand, were among the supporters of the initiative.

## 3. Middle East

17. The idea of establishing a nuclear-weapon-free zone in the Middle East originated in the 1970s and was first raised by Iran and by Egypt. Subsequently, the Syrian Arab Republic as well as other States of the region supported the project for such a zone. The proposal has met with wide acceptance in the United Nations and the General Assembly has adopted resolutions annually on the subject. Since 1980, the resolutions have been adopted without a vote.[15] (For detailed information, see background paper NPT/CONF.2000/7.)

## 4. The southern hemisphere

18. In recent years, a large number of States, drawn principally from members of the four existing nuclear-weapon-free zones, stressed that the success so far achieved by the treaties of Tlatelolco, Rarotonga, Bangkok, and Pelindaba as well as the Antarctic Treaty lay in the fact that they were gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons. In 1996, a resolution on a nuclear-weapon-free southern hemisphere and adjacent areas was submitted to the General Assembly for the first time by Brazil. By that

resolution and by similar resolutions in subsequent years,[16] the General Assembly, *inter alia*, welcomed the contribution that the above treaties were making towards freeing the southern hemisphere and adjacent areas from nuclear weapons. The General Assembly, furthermore, called for the ratification of the treaties and adherence to the respective protocols, and welcomed the steps taken to conclude agreements on further nuclear-weapon-free zones. It also reiterated the important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-free, and, with particular reference to the responsibilities of the nuclear-weapon States, called upon all States to support the process of nuclear disarmament, with the ultimate goal of eliminating all nuclear weapons. The States parties to the various nuclear-weapon-free zone treaties were called upon to explore and implement further ways and means of cooperation, in order to promote the nuclear-weapon-free status of the southern hemisphere and the adjacent areas. France, the United Kingdom of Great Britain and Northern Ireland and the United States of America expressed reservations on the proposal. They stated that since all land territory in the southern hemisphere, with the exception of a few small islands, was already covered by nuclear-weapon-free zones, the only new areas such a zone could cover were the high seas. Therefore, in their view, the true aim of the sponsors was to create a new zone that covered international waters, a step that would be inconsistent with international law.[17]

## C. Zones of peace

19. The concept of zones of peace, which originated with the Movement of Non-Aligned Countries, started to gain increasing attention in the 1960s and 1970s, in reaction to the growing number of regional hotbeds of tension. The establishment of zones of peace has been considered in several regions, such as the Indian Ocean, South-East Asia, the Mediterranean, the South Atlantic and Central America. Although a precise definition of a zone of peace has not yet been formulated, there are several elements which together may serve to characterize the concept. Among the elements are: non-interference and acceptance by extra-zonal Powers; maintenance of regional peace by political cooperation and military restraint; and regional economic and political cooperation.[18] Consequently, a zone of peace can be seen as a process, characterized by a certain conception of regional peace which it aims at promoting.

### 1. The Americas

20. The process that started with the declaration of Central America to be a region of peace, freedom, democracy and development by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, in 1990,[19] was continued in the following decade. The Central American Integration System was created in order to ensure the integration of Central America and to establish the peace zone. Negotiations on security, verification and control and limitation of arms and military personnel were undertaken within the Security Commission established by the States of the region. The Tegucigalpa International Declaration on Peace and Development in Central America and the Tegucigalpa Commitments on Peace and Development were adopted in 1994, and the Central American Security Commission for the purpose of producing the model for regional democratic security was reactivated.

21. In an effort to strengthen peace and security in the region, States members of the Organization of American States (OAS) continued to promote and encourage the adoption and implementation of confidence-building measures. Thus, at a regional Conference held in San Salvador in February 1998, the participants adopted an Action Plan for Confidence-Building Measures for the Region, which was endorsed by the OAS General Assembly.[20] In July 1998, the Governments of Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay signed a Political Declaration of the Southern Cone Common Market (Mercosur), Bolivia and Chile as a Zone of Peace.[21] By that Declaration, the participating States, *inter alia*, declared Mercosur, Bolivia and Chile to be a zone of peace, free from weapons of mass destruction.[22] Following a previous mandate by the OAS General Assembly, the OAS Committee on Hemispheric Security in October 1998 established a working group to negotiate a convention on greater transparency in arms acquisition in the hemisphere. In June 1999, OAS member States adopted the Inter-American Convention on Transparency in Conventional Weapons Acquisitions (see NPT/CONF.2000/4).

### 2. Indian Ocean

22. The initiative to establish a zone of peace in the Indian Ocean was prompted by fears among the non-aligned countries in the region that the global confrontation during the cold war between the two major Powers would spill over to the Indian Ocean region. Since 1971, when the Declaration of the Indian Ocean as a Zone of Peace was adopted by the General Assembly,[23] resolutions on the subject were adopted by the Assembly annually. Later, an ad hoc committee was established to study the implications of the Indian Ocean peace zone proposal and to make preparations for convening a conference on the Indian Ocean. However, owing to persistent divergent views, with most of the non-aligned countries in favour of convening the Conference and the Western States preferring to hold more consultations, the Conference on the Indian Ocean has been postponed. Since 1996, the Chairman of the Ad Hoc Committee has been conducting informal consultations and from 1997 on, the General Assembly has adopted resolutions biennially.[24] In its most recent resolution, adopted in 1999,[25] the Assembly, *inter alia*, requested the Chairman of the Ad Hoc Committee to continue his informal consultations.

### 3. The Mediterranean

23. The question of strengthening security and cooperation in the Mediterranean region has been the subject of efforts, particularly by the non-aligned Mediterranean countries. The issue has been discussed at numerous forums: by non-aligned conferences at various levels, in the General Assembly and within the framework of the Conference on Security and Cooperation in Europe (CSCE). The latter had already in 1992 agreed to widen its cooperation with the Mediterranean States. Permanent working groups on economic, political and cultural issues were created. The Euro-Mediterranean countries also agreed on guidelines for political, economic, social and cultural relations and established a permanent and regular dialogue on all subjects of common interest.[26] During the period under review, the Euro-Mediterranean countries made several efforts to intensify the dialogue and consultations with a view to resolving the problems existing in the Mediterranean region and eliminating the cause of tension and the consequent threat to peace and security.

24. The General Assembly adopted resolutions annually on the subject of strengthening security and cooperation in the Mediterranean region.[27] By those resolutions, the Assembly, *inter alia*, called upon all States of the Mediterranean region that have not yet done so to adhere to all the multilaterally negotiated legal instruments related to the field of disarmament and non-proliferation, thus creating the necessary conditions for strengthening peace and cooperation in the region. The Assembly encouraged all States of the region to favour the necessary conditions for strengthening the confidence-building measures among them by promoting genuine openness and transparency in all military matters and also encouraged them to strengthen further their cooperation in combating terrorism, in all forms and manifestations, which posed a serious threat to peace, security and stability in the region. In addition, the Assembly invited all States of the region to address, through various forms of cooperation, problems and threats posed to the region, such as terrorism, international crime and illicit arms transfers, as well as illicit drug production, consumption and trafficking, which jeopardized friendly relations among States, hindered the development of international cooperation and resulted in the destruction of human rights, fundamental freedoms and the democratic basis of pluralistic society. Pursuant to those resolutions, the Secretary-General annually submitted reports on the subject to the General Assembly.[28]

### 4. The South Atlantic

25. Efforts for implementing the Declaration of the South Atlantic as a zone of peace and cooperation and the Declaration on the Denuclearization of the South Atlantic were continued in the 1990s. During the period under review, the fourth and fifth ministerial meetings of the States members of the zone were held. At the fifth meeting held at Buenos Aires in October 1998, a Final Document and an innovative Plan of Action[29] were adopted. The Declaration underscored the determination to increase cooperation in various areas of mutual interest and the Plan of Action set out steps to put into practice the measures agreed upon. A periodical consultation mechanism among the States of the zone (24 African and Latin American States) has been established with a view to pursuing the common goals of the Declaration. The main objectives of the efforts undertaken for implementing the project are the promotion of regional

cooperation and the protection of the environment, as well as the maintenance of peace and security in the region. Particular attention was devoted to the question of preventing the geographical proliferation of nuclear weapons and of reducing and eventually eliminating the military presence of countries from other regions. The Permanent Committee of the zone of peace and cooperation of the South Atlantic continued its function as a formal inter-sessional mechanism for coordination and a means to ensure the continuity of dialogue between the countries of the zone.

26. The General Assembly adopted resolutions annually on the subject of the South Atlantic.[30] By those resolutions, the Assembly, *inter alia*, reaffirmed the importance of the purposes and objectives of the zone of peace and cooperation of the South Atlantic as a basis for the promotion of cooperation among the countries of the region. Furthermore, all States were called upon to cooperate in the promotion of the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic and to refrain from any action inconsistent with those objectives and with the Charter of the United Nations and relevant resolutions of the Organization. The Secretary-General submitted reports[31] annually on the subject to the General Assembly, and various organizations and bodies of the United Nations system are rendering assistance in implementing the zone-of-peace project.[32]

### 5. South-East Asia

27. In recent years, States members of the Association of South-East Asian Nations (ASEAN) have continued the process of implementing the 1971 declaration on the establishment of a zone of peace, freedom and neutrality in South-East Asia, which had been reaffirmed at various occasions. The General Assembly endorsed the Treaty of Amity and Cooperation in South-East Asia, which contains provisions for the pacific settlement of disputes and renunciation of the threat or use of force, and for regional cooperation.[33] During the period under review, ASEAN, the ASEAN Regional Forum (ARF) — its regional forum for the discussion of Asia-Pacific security issues — and the Council for Security and Cooperation in the Asia Pacific (CSCAP) continued to play important roles in maintaining regional security and stability, including through the promotion of confidence-building measures. At the 30th Ministerial anniversary meeting of ASEAN, held in July 1997, member States stressed their commitment to enhancing cooperation among themselves while continuing to work closely with the ASEAN dialogue partners and ARF participants. At meetings of ARF, the countries of the region reiterated the importance of maintaining the evolutionary approach adopted by the ARF process and of the need to continue pursuing bilateral and subregional measures, applicable to their specific needs, to further mutual confidence in a gradual manner. ARF participants also expressed their determination to ensure the early realization of the concept of a zone of peace, freedom and neutrality in South-East Asia and endorsed the implementation of further confidence-building measures.[34]

28. The States members of the Conference on Interaction and Confidence-building Measures in Asia (CICA), at its meeting held in December 1997, agreed that they would, without infringing the rights of all States to conclude disarmament and arms control agreements as appropriate, discuss questions relating to disarmament and non-proliferation with a view to helping to achieve the ultimate goal of the complete elimination of weapons of mass destruction, arms control, security, confidence-building and the peaceful and equitable settlement of disputes.[35] At the sixth ASEAN summit, held at Hanoi in December 1998, member States adopted the Hanoi Plan of Action, under which they pledged, *inter alia*, to support and participate actively in all efforts to achieve the objectives of general and complete disarmament, especially the non-proliferation of nuclear weapons and other weapons of mass destruction; to continue efforts to promote confidence-building measures in the South China Sea between and among the parties concerned; and to intensify intra-ASEAN security cooperation through existing mechanisms. The Plan covers the period from 1999 to 2004.[36]

### 6. South-Eastern Europe

29. Responding to growing tension, instability and the use of military force in South-Eastern Europe, the General Assembly since 1993 has discussed the security situation in that region. During the period under review, the Assembly adopted resolutions annually on the subject.[37] By its most recent resolution, entitled "Maintenance of international security — stability and development of South-Eastern Europe", adopted in 1999, the Assembly, *inter alia*, affirmed the

urgency of the consolidation of South-Eastern Europe as a region of peace, security, stability, democracy, cooperation, economic development, observance of human rights and good-neighbourliness, thus contributing to the maintenance of international peace and security and enhancing the prospects for sustained development and prosperity for all peoples in the region as an integral part of Europe. The Assembly furthermore called upon all participants of the Stability Pact, which had been initiated by the European Union in June 1999, and all concerned international organizations to support the efforts of South-Eastern European States to overcome the negative effects of the Kosovo crisis and to enable them to pursue sustainable development and integration of their economies into the European and global economy. The General Assembly affirmed the need for full observance of the Charter of the United Nations and for strict compliance with the principles of sovereign equality, territorial integrity and inviolability of international borders of any State. It urged the normalization of relations among the States of South-Eastern Europe and the strengthening of their mutual cooperation on the basis of respect of international law and agreements and within the principle of good-neighbourliness and mutual respect. In addition, the Assembly called upon all States to solve their disputes with other States by peaceful means, in accordance with the Charter of the United Nations, and also called upon all States, the relevant international organizations and competent organs of the United Nations to continue to take measures in accordance with the Charter, to eliminate threats to international peace and security and to help prevent conflicts which could lead to the violent disintegration of States. Finally, the General Assembly emphasized the importance of regional efforts in South-Eastern Europe on arms control, disarmament and confidence-building measures.

*Notes*

[1] General Assembly resolution 3472 B (XXX).

[2] General Assembly resolution S-10/2, para. 60.

[3] NPT/CONF.1995/32 (Part I), annex, Decision 2, paras. 5-7.

[4] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 42*, (A/54/42), annex I.

[5] A/C.1/53/PV.27.

[6] A/52/112.

[7] A/52/390.

[8] Resolutions 52/38 S and 53/77 A were adopted without a vote.

[9] See CD/1147.

[10] A/C.1/54/PV.8, NPT/CONF.2000/PC III/27.

[11] A/C.1/53/PV.23.

[12] A/C.1/53/PV.21.

[13] Resolution 53/77 H was adopted by 63 votes to 44, with 47 abstentions.

[14] See statement by Poland on behalf of 12 Central and Eastern European States in the First Committee of the General Assembly at its fifty-third session (A/C.1/53/PV.21).

[15] In the period under review, the following resolutions on the subject were adopted without a vote: resolutions 50/66, 51/41, 52/34, 53/74 and 54/51.

[16] Resolutions 51/45 B (129-3-38); 52/38 N (131-3-34); 53/77 Q (154-3-10); and 54/54 L (157-3-4).

[17] A/C.1/53/PV.23.

[18] See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 16* (A/35/16), annex.

[19] See A/45/906-S/22032, annex.

[20] OAU document AG/RES.1566 (XXVIII-O/98).

[21] CD/1552.

[22] See also statement by Brazil on behalf of the countries belonging to Mercosur in the First Committee of the General Assembly at its fifty-third session (A/C.1/53/PV.21).

[23] General Assembly resolution 2832 (XXVI).

[24] During the period under review, the following resolutions were adopted: resolutions 50/76 (123-3-39); 51/51 (131-3-37); 52/44 (125-3-40); and 54/47 (120-3-41).

[25] See General Assembly resolution 54/47.

[26] See A/50/58-S/1994/1457.

[27] Resolutions 50/75, 51/50, 52/43, 53/82 and 54/59 were all adopted without a vote.

[28] A/50/300; A/51/230 and Corr.1 and Add.1; A/52/427; A/53/422 and Add.1; A/54/261.

[29] A/53/650, annex.

[30] Resolutions 50/18 (124-0-1); 51/19 (117-0-1); 52/14 (157-0-1); 53/34 (126-0-1); and 54/35 (97-0-1).

[31] A/50671; A/51/458; A/52/462; A/53/488; A/54/447.

[32] Ibid.

[33] General Assembly resolution 47/53 B.

[34] See AUS-CSCAP Newsletter No. 7, October 1998.

[35] See the concluding statement of the Conference, document A/52/748-S/1997/1003.

[36] See Hanoi Plan of Action, Ministry of Foreign Affairs, Viet Nam, 13 December 1998, in: *The United Nations Disarmament Yearbook*, vol. 23: 1998 (United Nations publication, Sales No. E.99.IX.1), p. 107.

[37] Resolutions 50/80 B (adopted without a vote); 51/55 (162-0-8); 52/48 (adopted without a vote); 53/71 (156-0-6); and 54/62 (155-0-2).

NPT/CONF.2000/6

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Developments regarding positive and negative security assurances since the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons

**Background paper prepared by the Secretariat**

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# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General to prepare for the Conference, among others, a background paper on the developments since the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons regarding security assurances, dealing with both positive and negative security assurances and reflecting developments in the Conference on Disarmament and the United Nations and proposals within the ambit of the Treaty (see NPT/CONF.2000/1, para. 28 (e)).

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that Conference, including the decisions on "Strengthening the review process for the Treaty", the "Principles and objectives for nuclear non-proliferation and disarmament" and the "Resolution on the Middle East".

3. The present paper is submitted in response to that request. A detailed presentation of developments that took place before May 1995 is contained in the background paper on the same subject prepared for the 1995 Review and Extension Conference (NPT/CONF.1995/6).

# II. Overview

4. Non-nuclear-weapon States have long harboured feelings of insecurity in a world where nuclear weapons continue to be possessed by some Powers. Therefore, since the beginning of the nuclear age, they have looked for means to protect themselves against the possible use or threat of use of nuclear weapons. A number of non-nuclear-weapon States have sought such security within alliances, involving one or several nuclear-weapon States. Other non-nuclear-weapon States have sought other international arrangements to ensure their security effectively. In that context, they called first for disarmament, notably nuclear disarmament, to be pursued with a sense of urgency and, as long as that had not been achieved, for international security assurances against the use or threat of use of nuclear weapons. This was a major issue in the negotiations on the Treaty in the 1960s.

5. With regard to disarmament, the negotiations led to the inclusion of a provision in the Treaty (article VI), by which each of the parties to the Treaty undertook "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective

international control".[1] With regard to security assurances, in the course of the negotiations, the non-aligned non-nuclear-weapon States called for the inclusion in the Treaty of a firm guarantee by the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear countries without nuclear weapons on their territory, or even under any other circumstances.[2] Ultimately a different approach prevailed. The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America took the position that the matter of security assurances should be pursued "in the context of action relating to the United Nations, outside the non-proliferation Treaty itself but in close conjunction with it".[3] As a result, no specific provision on security assurances to non-nuclear-weapon States was included in the Treaty. Instead, action was taken in the Security Council.

6. Thus, on 19 June 1968, the Security Council adopted resolution 255 (1968),[4] which was sponsored by the Soviet Union, the United Kingdom and the United States, the depositaries of the Treaty (see annex I). By that resolution the Council recognized that, in the case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State, the Council, and above all its nuclear-weapon State permanent members, "would have to act immediately in accordance with their obligations under the United Nations Charter". The Council also welcomed "the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used". This assurance, defined as "positive", was in principle welcomed by non-nuclear-weapon States. However, many non-aligned non-nuclear-weapon States pointed out that such an assurance fell short of their expectations and expressed a preference for a "negative" assurance, that is, a commitment by the nuclear-weapon States not to use nuclear weapons against countries not possessing such weapons in the form of a multilateral legally binding commitment.

7. Since then, the nuclear-weapon States have made, and have in some instances updated, unilateral declarations establishing criteria for the granting of negative assurances to non-nuclear-weapon States. In one case the assurance was unconditional, while the others contained various specific qualifications. For these reasons, many non-nuclear-weapon States continued to express strong preference for a multilaterally negotiated, legally binding international instrument.

8. Although the issue of security assurances has figured in various disarmament forums for more than two decades, in particular at the Conference on Disarmament and its predecessors and in the adoption of annual resolutions by the General Assembly — since 1990 in the form of a single resolution on the subject — no solution wholly satisfactory to both nuclear-weapon and non-nuclear-weapon States had been found. Consequently, the question remained on the disarmament agenda of the international community. It figured prominently on the agenda of review and extension conferences, in particular in 1990 during which numerous proposals to address the issue were made (for a detailed account, see NPT/CONF.1995/6).

9. It may also be noted that security assurances have been granted by the nuclear-weapon States in the context of the zones free of nuclear weapons established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the South Pacific Nuclear-Free Zone Treaty (Treaty of

Rarotonga). Protocols containing security assurances to be granted by the nuclear-weapon States are also part of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), which entered into force in 1997 and of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), signed in 1996. With regard to the latter, all five nuclear-weapon States have signed Protocol I, while China and France have ratified it.

## A. Unilateral declarations

10. On the eve of the 1995 Review and Extension Conference, in response to the concerns expressed by the non-nuclear-weapon States, China, France, the Russian Federation, the United Kingdom and the United States individually issued updated unilateral declarations containing both positive and negative assurances (see annex II). The negative security assurances of four of the nuclear-weapon States — France, the Russian Federation, the United Kingdom and the United States — were harmonized in the light of efforts being made to draft a new Security Council resolution on assurances. In a joint declaration to the Conference on Disarmament on 6 April, France, the Russian Federation, the United Kingdom and the United States underlined the importance of the harmonized security assurances that they had given to the non-nuclear-weapon States parties to the Treaty against the use of nuclear weapons, as well as the commitments as regards the provision of appropriate assistance to a non-nuclear-weapon State party to the Treaty victim of aggression or the threat of aggression with nuclear weapons.[5] A number of delegations welcomed the unilateral declarations, expressing the view that they were consistent with the commitments that the non-nuclear-weapon States had entered into in the context of the Treaty. However, the Group of 21, in a joint statement,[6] noted that neither the Conference on Disarmament nor any members of the Group were associated with the drafting of the Security Council resolution and stressed that the text did not take into account any of the formal objections made in the past by non-nuclear-weapon States on the "restrictive, restrained, uncertain, conditional and discriminatory character of the guarantees already provided". China reiterated its long-standing commitment to no-first use of nuclear weapons and called for early conclusion of an international convention on no-first use as well as for security assurances.

## B. Security Council resolution 984 (1995)

11. On 11 April 1995, at the initiative of the five permanent members of the Security Council, the Council adopted resolution 984 (1995) on assurances to non-nuclear-weapon States that are parties to the Treaty (see annex III). The resolution went further in some aspects than resolution 255 (1968). It recognized, for the first time, the legitimate interest of non-nuclear-weapon States parties to the Treaty in receiving assurances that the Security Council, and above all its nuclear-weapon State permanent members, would act immediately in the event that such a State was the victim of an act of aggression in which nuclear weapons were used. By that resolution, the Council also noted the means available to it for assisting such a victim and expressed its intention to recommend appropriate procedures in response to a request from victims for compensation. In addition, all States were urged to pursue negotiations in good faith on effective measures relating to nuclear

disarmament and on a treaty on general and complete disarmament under strict and effective international control, reflecting the wording of article VI of the Treaty.

### C. Consideration of the question of security assurances at the 1995 Review and Extension Conference

12. Most of the discussion on the issue of security assurances at the 1995 Review and Extension Conference took place in Main Committee I. While the five nuclear-weapon States believed that their updated unilateral declarations and the fact that Security Council resolution 984 (1995) took note of them would greatly facilitate consideration of the matter, the majority of non-nuclear-weapon States parties held that the declarations did not address their main concerns and that the resolution itself also had some shortcomings. A number of approaches to resolve those difficulties were advocated: (a) conclusion of a protocol on security assurances to be attached to the Treaty, to be negotiated in a special conference or in the Conference on Disarmament; this was proposed by a number of States, including Mexico and Nigeria; (b) conclusion of an international legal instrument on security assurances, proposed by China or a multilateral treaty proposed by Sweden; (c) a proposal for a collective commitment by the nuclear-weapon States to remedy the fundamental shortcomings of Security Council resolution 984 (1995), proposed by Egypt; and (d) more elaborate security assurances to non-nuclear-weapon States parties to nuclear-weapon-free zones, also proposed by Egypt. The non-aligned States believed that the five unilateral declarations and Security Council resolution 984 (1995) constituted only a first step towards providing the kind of assurances to which non-nuclear-weapon States were entitled. However, there was no agreement in Main Committee I on language acceptable to all States parties. The question of security assurances was also addressed in Main Committee II in the context of nuclear-weapon-free zones. States parties called upon those nuclear-weapon States that had not yet done so to give early consideration to signing the relevant protocols of the South Pacific Nuclear-Free Zone Treaty and adhering to the relevant protocols of the future treaty on an African nuclear-weapon-free zone.

13. In the decision on "Principles and objectives for nuclear non-proliferation and disarmament" adopted by the Conference, the States parties, noting Security Council resolution 984 (1995) and the declarations of the nuclear-weapon States concerning both negative and positive assurances, stated that "further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons" and that such steps "could take the form of an internationally legally binding instrument".[7]

## III. Main developments since the 1995 Review and Extension Conference

### A. Conference on Disarmament

14. Following the 1995 Review and Extension Conference, various delegations, in addressing the issue in the Conference on Disarmament, agreed that Security Council resolution 984 (1995) and the harmonized declarations by the nuclear Powers constituted a new and genuine contribution to the strengthening of

international security, but acknowledged that the measures taken had not fully met the hopes of many States parties to the Treaty, which sought legally binding commitments. Non-parties to the Treaty criticized the conditional nature of the unilateral commitments and stressed that any linkage of security assurances to accession to the Treaty or any other treaty constituted an erosion of the Charter of the United Nations, specifically the principle of the sovereign equality of all Member States and the inherent right of individual or collective self-defence, stated in Article 51 of the Charter. Members of the Conference on Disarmament generally welcomed the recommendation of the Review and Extension Conference as reflected in paragraph 8 of decision 2.[7] Some delegations considered that it opened the way for renewed negotiations in an ad hoc committee of the Conference. By the end of its 1996 session, there was general agreement within the Conference to address the issue in the framework of an ad hoc committee.

15. However, in both 1996 and 1997, the Conference on Disarmament was unable to establish an ad hoc committee on security assurances. The members of the Group of 21,[8] believing that, pending the total elimination of nuclear weapons, it was imperative to have in place effective international arrangements and that the assurances thus far given and reflected in Security Council resolution 984 (1995) fell short of the expectations of the non-nuclear-weapon States, advocated the re-establishment of an ad hoc committee on negative security assurances. South Africa, recalling its proposal made at the Preparatory Committee for the 2000 Review Conference,[9] stated that the appropriate venue for discussion of security assurances was the strengthened review process of the Treaty and that, therefore, it opposed the establishment of an ad hoc committee on the item in the Conference on Disarmament. A number of Western delegations expressed some doubts and reservations with regard to the wording of the previous mandate for an ad hoc committee on security assurances, and a large number of delegations suggested that the current mandate should be updated. The Russian Federation, referring to the assurances that it and other nuclear-weapon States had given to the States parties to the Treaty, noted that, in addition, the regional arrangements set out in nuclear-weapon-free zone treaties had gone a long way towards providing the assurances that the non-nuclear States had been pursuing for many years.[10]

16. In 1998, the Conference on Disarmament re-established the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons. In the deliberations of the issue, delegations mostly reiterated the particular importance they attached to the issue and expressed readiness to engage in a search for mutually acceptable solutions.[11] The Committee, *inter alia*, discussed the nature and scope of existing negative security assurances: Security Council resolution 984 (1995), declarations of nuclear-weapon States; protocols to the nuclear-weapon-free zone treaties and their interpretative statements; as well as common and distinctive elements and those that needed clarification — invasion, aggression, attack, dependent Territories, security commitment, association or alliance — and on new developments. The Committee concluded by reaffirming that, pending the complete and effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons and noted the relationship between negative and positive security assurances.[12] At its 1999 session, the Conference was unable to establish an ad hoc committee and the issue was discussed only in plenary meetings where delegations mainly reaffirmed or

further elaborated their respective positions on the agenda item, the detailed description of which were duly recorded in the previous annual reports[11] of the Conference, related official documents and working papers, as well as plenary records.

## B. General Assembly

17. During the period under review, the General Assembly continued to address the issue annually and adopted various resolutions on the subject matter.[13] In those resolutions, the General Assembly, *inter alia*, reaffirmed the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; noted with satisfaction that in the Conference on Disarmament there was no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all had been pointed out; appealed to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of binding character; recommended that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be further explored in order to overcome the difficulties; and also recommended that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any proposals designed to secure the same objective.

## C. Other developments

18. Developments relevant to the question of security for non-nuclear-weapon States against the use or threat of use of nuclear weapons also took place in other contexts inside and outside the United Nations framework. In 1996, for the first time in history, a legal "Advisory opinion on the legality of the threat or use of nuclear weapons" was rendered by the International Court of Justice[14] in response to a request by the General Assembly.[15] The Court agreed unanimously that the threat or use of force by means of nuclear weapons that was contrary to Article 2, paragraph 4 (refraining from the threat or use of force) of the Charter and did not meet the requirements of Article 51 (inherent right of individual or collective self-defence) was unlawful, and that such threat or use of nuclear weapons should be compatible with international law applicable in armed conflict. According to the Court, the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. However, the Court could not conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be

at stake.[16] Since the Court gave its advisory opinion, the General Assembly has adopted specific resolutions on the subject matter.[17]

19. China, in its white paper on national defence issued in 1998, reiterated its commitment to unconditionally providing non-nuclear-weapon States and nuclear-weapon-free zones with negative security assurances and promised to provide them with positive security assurances.[18]

20. The North Atlantic Treaty Organization (NATO), at its fiftieth anniversary summit meeting in April 1999, approved and updated its Strategic Concept. NATO reaffirmed its policy of nuclear deterrence and, referring to its nuclear forces, the Concept stated that "they will continue to fulfil an essential role" by ensuring uncertainty in the mind of any aggressor about the nature of the Allies' response to military aggression, although "the circumstances in which any use of nuclear weapons might have to be contemplated ... are extremely remote".[19] In January 2000, the United States released a report on its national security strategy. The report stated that "nuclear weapons serve as a guarantee" of America's security commitments to its allies. It also stressed that the United States would continue to maintain a robust triad of strategic nuclear forces sufficient to deter any potential adversaries who may have or seek access to nuclear forces.[20] Also in January 2000, the Russian Federation published a new national security strategy, in which it stressed the right to use all available means, including nuclear weapons, to repel aggressors. The use of nuclear weapons in war would be contemplated if all other means of resolving the crisis have been exhausted.

21. During the preparatory process for the 2000 Review Conference, specific proposals on the issue of security assurances were made by Myanmar, Nigeria and the Sudan in the form of a draft protocol aimed at providing comprehensive and unconditional security assurances for non-nuclear-weapon States parties to the Treaty.[21] South Africa proposed a draft protocol to the Treaty on the prohibition of the use of threat of use of nuclear weapons against non-nuclear-weapon States parties to the Treaty.[22] It stressed that the negotiations of legally binding security assurances within the Treaty as opposed to other forums would provide a significant benefit to the parties to the Treaty and would be seen as an incentive to those remaining outside to join.

## *Notes*

[1] United Nations, *Treaty Series*, vol. 729, No. 10485.

[2] On 17 November 1966, the General Assembly, in resolution 2153 A (XXI), adopted by 97 votes to 2, with 3 abstentions, *inter alia*, requested the Conference of the Eighteen-Nation-Committee on Disarmament "to consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been made or may be made for the solution of this problem".

[3] See ENDC/PV.375, of 11 March 1968. The negotiations on security assurances were complicated by the fact that only three declared nuclear-weapon States (the Soviet Union, the United Kingdom and the United States), out of the five, were engaged in the non-proliferation Treaty negotiations.

[4] The resolution was adopted by 10 votes to none, with 5 abstentions (Algeria, Brazil, France, India and Pakistan).

[5] CD/1308. The statement was later issued as a document of the 1995 Review and Extension Conference (NPT/CONF.1995/20).

[6] CD/1312.

[7] NPT/CONF.1995/32, Part I, annex, decision 2, paragraph 8.

[8] NPT/CONF.2000/1, annex III, NPT/CONF.2000/PC.III/53.

[9] See CD/1462.

[10] See *The United Nations Disarmament Yearbook*, vol. 22: 1997 (United Nations publication, Sales No. E.98.IX.1), pp. 21-22.

[11] See, in particular, the summary of the views and national positions as stated in the 1998 Ad Hoc Committee, *Official Records of the General Assembly, Fifty-third Session, Supplement No. 27* (A/53/27), para. 38.

[12] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 27* (A/53/27), para. 38.

[13] Resolutions 50/68 (122-0-44); 51/43 (125-0-45); 52/36 (116-0-51); 53/75 (117-0-52); and 54/52 (111-0-53). See also NPT/CONF.2000/4.

[14] See A/51/218, annex.

[15] See resolution 49/75 K.

[16] The conclusion was drawn by seven votes to seven, by the President's casting vote.

[17] The resolutions were adopted with the following voting results: 51/45 M (115-22-32); 52/38 O (116-26-24); 53/77 W (123-25-25); and 54/54 Q (114-28-22).

[18] See *The United Nations Disarmament Yearbook*, vol. 23: 1998 (United Nations publication, Sales No. E.99.IX.1), p. 12.

[19] See NATO press release NAC-S(99)65, 24 April 1999.

[20] The White House, Office of the Press Secretary, press release, 5 January 2000.

[21] NPT/CONF.2000/PC.I/16 and Corr.1.

[22] NPT/CONF.2000/PC.III/9.

# Annex I

## Security Council resolution 255 (1968)

*The Security Council,*

*Noting with appreciation* the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

*Taking into consideration* the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

*Bearing in mind* that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all the nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

# Annex II

## Excerpts from unilateral declarations on negative security assurances

### China

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally binding commitment not to manufacture or acquire nuclear explosive devices.[a]

### France

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.[b]

### Russian Federation

The Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.[c]

### United Kingdom of Great Britain and Northern Ireland

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.[d]

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[a] The full text was issued in A/50/155-S/1995/265, annex.

[b] The full text was issued in A/50/154-S/1995/264, annex.

[c] The full text was issued in A/50/151-S/1995/261, annexes I and II.

[d] The full text of the declaration was issued in A/50/152-S/1995/262, annex.

## United States of America

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.[e]

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[e] The full text of the declaration was issued in A/50/153-S/1995/263, annex.

# Annex III

## Security Council resolution 984 (1995)

*The Security Council,*

*Convinced* that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

*Recognizing* the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances,

*Welcoming* the fact that more than one hundred seventy States have become parties to the Treaty and stressing the desirability of universal adherence to it,

*Reaffirming* the need for all States parties to the Treaty to comply fully with all their obligations,

*Taking* into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures be undertaken to safeguard their security,

*Considering* that the present resolution constitutes a step in this direction,

*Considering also* that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note with appreciation* of the statements made by each of the nuclear-weapon States [S/1995/261-S/1995/265], in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such a State is the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes also* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the Treaty, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression, and recognizes further that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State party to the Treaty, including an investigation into the situation and

appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses its intention* to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State party to the Treaty that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, as provided for in article VI of the Treaty, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal;

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* the fact that the issues raised in the present resolution remain of continuing concern to the Council.

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

10 April 2000

Original: English

New York, 24 April-19 May 2000

# Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

## Background paper prepared by the United Nations Secretariat

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# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretary-General to prepare for the Conference a background paper on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, reflecting developments since 1995 with a view to realizing fully the objectives of the resolution.

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

3. The present paper is submitted in response to that request. In this connection, attention is also drawn to the background papers on the implementation of articles I and II (NPT/CONF.2000/3) and to the background paper prepared by the International Atomic Energy Agency (IAEA) on its activities relevant to article III (NPT/CONF.2000/9).

# II. Resolution on the Middle East adopted by the 1995 Review and Extension Conference

4. On 11 May 1995, the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted the "Resolution on the Middle East", sponsored by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as depositaries of the Non-Proliferation Treaty. The text of the resolution is contained in the annex to the present paper.

# III. Review of the implementation of the resolution on the Middle East

## A. Efforts contributing to the achievement of the aims and objectives of the Middle East peace process

5. By paragraph 1 of the resolution on the Middle East, the Conference of the Parties to the Non-Proliferation Treaty "endorses the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction". Developments towards establishing lasting regional peace, which became known as the Middle East peace process, received a new impetus with the conference of representatives of Israel, the Palestinian Liberation Organization (PLO), Egypt, Jordan, the Syrian Arab Republic and Lebanon convened by the United States and the then Soviet Union held in October 1991 in Madrid. One of the results of the conference was the start of the multilateral track of the peace process, which is composed of the Steering Committee and five regional working groups on economic development (REDWG), on the environment, on water, on refugees, and on arms control and regional security (ACRS), respectively. The international community, including the United Nations and its Special Representative/Coordinator, actively supported the parties in their talks, in particular through the multilateral track of the peace process.

6. In September 1993, Israel and PLO signed in Washington the Declaration of Principles on Interim Self-Government Arrangements, known as the Oslo Accords. In September 1995, Israel and the PLO signed an agreement on Palestinian self-rule in the West Bank, providing for the withdrawal of Israeli troops and the handover of civil authority in the West Bank to an elected Palestinian Council. After several years of impasse, in October 1998, President Clinton of the United States convened meetings with Israeli Prime Minister Netanyahu and President Arafat of the Palestinian Authority. Extended negotiations produced an interim accord (Wye River Memorandum), calling for further Israeli withdrawal from the West Bank, the release of Palestinian prisoners, and for measures to curb violence against Israel.

7. In May 1999, Israeli Prime Minister Barak and United States President Clinton in a joint statement pledged to make the Middle East peace process a "top priority". On 5 September 1999, Prime Minister Barak and President Arafat signed the Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations (Sharm el-Sheikh memorandum). In the memorandum, Israel and the Palestinian Authority, *inter alia*, committed themselves to full and mutual implementation of the Wye River Memorandum and all other agreements concluded between them since.

8. At a summit meeting held in Oslo in November 1999, United States President Clinton, Prime Minister Barak of Israel and President Arafat of the Palestinian Authority reaffirmed their commitment to the peace process. The parties promised to meet regularly during the negotiations, and teams of representatives from both sides were also to meet for intense negotiations with the aim of concluding a framework agreement by mid-February 2000 and a final agreement by September 2000.

9. Negotiations between Israel and the Syrian Arab Republic on a comprehensive peace accord were resumed in Washington in December 1999. Israeli Prime Minister Barak and Foreign Minister Sharaa of the Syrian Arab Republic continued the talks in January 2000. The negotiations were suspended in January 2000.

10. A revival of the multilateral track of the Middle East peace process took place with a meeting held in Moscow on 1 February 2000.[1] The Foreign Ministers of the Multilateral Steering Group met in Moscow to reinvigorate the multilateral track of the Middle East peace process as an integral component of the Madrid framework. The Russian Federation and the United States, as co-sponsors of the peace process, co-chaired the meeting, which was the first formal Multilateral Steering Group meeting held since 1995.[2] The purpose of the meeting was to mark the formal resumption of the work of the multilateral track of the peace process after years of recess, although some activities were held by experts meeting in various specific projects, seminars and discussions, and some significant work still went on. The next Multilateral Steering Group meeting will be hosted by the European Union in July 2000. In their joint declaration, the Steering Group ministers confirmed their strong commitment to the achievement of a just and comprehensive peace in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973), and to support progress in the bilateral tracks by enhancing regional cooperation through dialogue and exchanges among the parties in the Multilateral Working Groups, (see also para. 21 below).

## B. Acceptance of full-scope International Atomic Energy Agency safeguards on all nuclear activities

11. As stipulated in paragraphs 3 and 4 of the resolution on the Middle East and in the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive Safeguards Agreements with IAEA. The United Nations General Assembly, in numerous resolutions on the subject of the establishment of a nuclear-weapon-free zone in the Middle East[3] as well as on the subject of the risk of nuclear proliferation in the Middle East,[4] has called upon all States in the Middle East that have not yet done so to place all their nuclear activities under full-scope IAEA safeguards. The Ministers for Foreign Affairs of the five permanent members of the Security Council, after a meeting with the Secretary-General of the United Nations on 23 September 1999, in a statement,[5] urged all parties to the Treaty concerned to bring into force the comprehensive Safeguards Agreements required under the Treaty, as

well as additional protocols based on the IAEA Model Additional Protocols, and called upon other States which are prepared to accept measures provided for in the Model Additional Protocol to conclude such protocols with IAEA.

12. Furthermore, the General Conference of the International Atomic Energy Agency in a series of resolutions on the application of IAEA safeguards in the Middle East,[6] has reaffirmed the urgent need for all States in the Middle East forthwith to accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone. The General Conference has also called upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable nuclear-weapon-free zone in the region and invited the countries concerned to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region. Details of the steps taken towards the implementation of the General Conference resolutions are given in the IAEA background paper on the Agency's activities relevant to article III of the Treaty (NPT/CONF.2000/9). The details highlight the particular steps taken by the Director General of the Agency to fulfil the mandate conferred upon him by the resolutions.

13. An item on "Israeli nuclear capabilities and threat" has been on the agenda of the General Conference of the International Atomic Energy Agency for a number of years. The item was re-inscribed in the agenda of the forty-second session of the General Conference in 1998, at the request of a number of member States.[7] In 1999, following a request by the Arab States members of the Agency, the General Conference decided to include the item in the agenda of its forty-third session.[8]

## C. Realization of universal adherence to the Treaty

14. Under paragraph 4 of the resolution on the Middle East and the decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" all States not yet party to the Treaty are called upon to "accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective."

15. Since the 1995 Review and Extension Conference, nine more States have become parties. With the accession of Djibouti, Oman and the United Arab Emirates, all States of the region of the Middle East, with the exception of Israel, are States Parties to the Non-Proliferation Treaty. The overall membership in the Non-Proliferation Treaty has increased to 187 from 178 at the time of the 1995 Conference.

16. The Ministers for Foreign Affairs of the five permanent members of the Security Council, after meeting with the Secretary-General of the United Nations on 23 September 1999, in a statement,[9] reiterated the need for universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and called upon all States that had not yet done so to accede to the Treaty at an early date.

## D. Efforts contributing to a Middle East zone free of nuclear weapons as well as other weapons of mass destruction — nuclear, chemical and biological — and their delivery systems

17. The idea of establishing a nuclear-weapon-free zone in the Middle East dates back to the 1970s and was first raised by Iran and by Egypt. Subsequently, the Syrian Arab Republic as well as other States of the region supported the project for such a zone. Since then, the General Assembly has annually adopted resolutions on the subject.[10] In 1990, Egypt broadened the concept by proposing the establishment of a zone free from weapons of mass destruction in the Middle East.[11] Further elaborating on that initiative, Egypt called upon the major arms-producing States to endorse the declaration of the Middle East as a region free of weapons of mass destruction.[12] The proposal was reaffirmed at the 1995 Review and Extension

Conference of the Parties to the Non-Proliferation Treaty[13] and in annual resolutions of the General Assembly since then.[14]

18. The proposal for the creation of a nuclear-weapon-free zone in the Middle East has met with wide acceptance in the United Nations and has been adopted by consensus in the General Assembly since 1980. In 1999, by its resolution 54/51 of 1 December, the General Assembly, as in previous years, urged all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions, and, as a means of promoting that objective, invited the countries concerned to adhere to the Non-Proliferation Treaty. Further, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, the Assembly invited those countries not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear-explosive devices. The General Assembly furthermore invited the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and, at the same time, to refrain from any action that ran counter to both the letter and the spirit of the initiative. However, discussions within and outside the United Nations have revealed differences of view regarding how best to advance the concept of a Middle East nuclear-weapon-free zone and on preferred approaches towards that goal.

19. The Arab States underlined that the establishment of a nuclear-weapon-free zone would contribute substantially to a comprehensive peace settlement in the region, by helping to create the climate for such a settlement. They stressed the importance of the relationship between confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, and the enhancement of security in the region. They also reiterated their readiness to take practical steps towards the establishment of an effectively verifiable Middle East zone free from all weapons of mass destruction — nuclear, chemical and biological — and to refrain from taking any measures precluding the achievement of that objective in accordance with paragraph 5 of the 1995 resolution on the Middle East as well as paragraph 14 of Security Council resolution 687 (1991). The Arab States stressed that Israel was the only State in the Middle East that had not yet become party to the Treaty and had not declared its intention to do so, and called upon Israel to accede to the Treaty without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards.[15] Israel has stated that it firmly believes in the eventual establishment of a mutually verifiable nuclear-weapon-free zone in the Middle East. It has argued that a nuclear-weapon-free region would eventually serve as a complement to overall peace and security in the region and should be part of a zone eliminating chemical, biological and nuclear weapons, as well as ballistic missiles. For Israel, the zone must be established by direct negotiations between States after they have recognized each other and comprehensive peaceful relations between them have been established. The zone must be mutually verifiable, achieving on a regional basis the non-proliferation goal of the Non-Proliferation Treaty. The goal should be approached step-by-step, starting with confidence-building measures and eventually leading to a nuclear-weapon-free zone in the region.[16] Israel maintains that negotiations on these, as on all issues concerning the security of the region, could only realistically be expected to take place freely and directly within the framework of the peace process. A regional nuclear-weapon-free zone should emanate from within the region and be supported by all the States of the region, and could not be imposed on them.

20. The goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons was also recalled by the Security Council in its resolution 687 (1991) and reiterated in its recent resolution 1284 (1999) of 17 December 1999. (For detailed information, see NPT/CONF.2000/3 and NPT/CONF.2000/9.)

21. In the 1990s, the measures of nuclear disarmament agreed upon by extra-regional Powers, and the direct negotiations between Arab States and Israel, in particular, had a bearing on the prospects for the establishment of a nuclear-weapon-free zone. Consideration of the issue had been facilitated by the establishment of the Middle East Multilateral Group on Arms Control and Regional Security (ACRS) by the Madrid Peace Conference on the Middle East.

Discussions were being held in that framework among and between regional and extra-regional States with a view to determining how best to move towards the establishment of a nuclear-weapon-free zone in the Middle East. However, the differences in concept and approach described above still exist. Since April 1993, the United Nations has taken an active part in the work of ACRS. The Group has, however, not met since December 1994. The Secretary-General, pursuant to various General Assembly resolutions, has submitted several reports to the Assembly on the question of a nuclear-weapon-free zone in the Middle East.[17] In his most recent report,[18] he noted with regret that no further positive developments had occurred in the consideration of the issue and that the impasse in the work of the Working Group on Arms Control and Regional Security had continued. The Secretary-General maintained the view that, under appropriate circumstances, the Working Group could still play a useful role as a forum for discussing a broad range of arms control, disarmament and confidence-building measures, including the establishment of a nuclear-weapon-free zone in the region, and strongly urged all concerned parties to review the situation in order to resume discussions and establish a common position as expeditiously as possible. At the Multilateral Steering Group meeting held in Moscow on 1 February 2000 (see para. 10 above), the participating Foreign Ministers emphasized the importance of reaching an agreed comprehensive agenda for ACRS. In that regard, they called upon the parties in the region to intensify their efforts to reach an agreement on this and to resume their work, with the help of the co-sponsors, with the goal of getting formal ACRS activities under way within a few months.[19]

22. The United Nations Disarmament Commission, at its session in 1999, adopted a document entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned".[20] In the paper, the Commission gave a general overview of the concept of nuclear-weapon-free zones and defined objectives and purposes as well as principles and guidelines. In the forward-looking part on initiatives to establish new zones, it stated:

> "The establishment of nuclear-weapon-free zones in regions for which consensus resolutions of the General Assembly exist, such as the Middle East and Central Asia, as well as the development of zones free from all weapons of mass destruction, should be encouraged."[21]

The Disarmament Commission furthermore stated that the international community should continue to promote the creation of nuclear-weapon-free zones throughout the world in an effort towards achieving the ultimate goal of freeing the entire world from all nuclear weapons as well as other weapons of mass destruction and, more broadly speaking, of general and complete disarmament under strict and effective international control, so that future generations might live in a more stable and peaceful atmosphere.

23. Support for the proposal to establish a nuclear-weapon-free zone has also been expressed by other forums both inside and outside the United Nations framework. The General Conference of the International Atomic Energy Agency, in successive resolutions, most recently in resolution GC(43)/RES/23 (1999), has called upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable nuclear-weapon-free zone in the region. The countries concerned have also been invited to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region. In addition, the Director General of the Agency has undertaken consultations with the countries in the Middle East,[22] on the verification of compliance with a future Middle East nuclear-weapon-free zone treaty. (For more information, see the background paper prepared by IAEA on its activities relevant to article III of the Treaty (NPT/CONF.2000/9).)

24. At its seventieth session (March 1999), the Ministerial Council of the Gulf Cooperation Council called upon the international community to take action to transform the Middle East region, including the Gulf, into a zone free of all weapons of mass destruction, including nuclear weapons.[23] The League of Arab States in May 1999, in a letter addressed to the President of the Security Council, stressed the importance that the States parties to the Non-Proliferation Treaty, and particularly the nuclear-weapon States that sponsored the Middle East resolution, should be urged to make the greatest efforts for the establishment of a zone free of all weapons of

mass destruction, and primarily nuclear weapons, in the region of the Middle East.[24]

25. During the period under review, the project for the establishment of a zone free from all weapons of mass destruction in the Middle East received support from a wide range of States. The European Union expressed the view that the question of the scope of a nuclear-weapon-free zone treaty and its linkages with the proposed zone free of weapons of mass destruction, together with the available options for verification of such a treaty, would be taken up during the negotiations among the States of the region concerned. Furthermore, the European Union called upon those States to begin discussions without delay with a view to opening those negotiations, and stated that such discussions and the start of negotiations would in themselves be factors in the dialogue that could significantly improve security and stability in the region.[25]

26. States parties to the Non-Proliferation Treaty also referred to the subject during the preparatory process for the 2000 Review Conference. The members of the Movement of Non-Aligned Countries and other States parties to the Non-Proliferation Treaty, proposed that the Preparatory Committee should recommend ways and means to get all parties directly concerned to engage seriously in undertaking practical and urgent steps required for the establishment of a nuclear-weapon-free zone in the Middle East, a zone which should be freely arrived at among regional States.[26] They also proposed that the States parties should stress the urgent need for Israel to accede to the Treaty without further delay and to place all its nuclear facilities under full-scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.[27] Egypt proposed a number of practical steps for making progress towards the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction. They include the early conclusion of the text of a treaty on a nuclear-weapon-free zone as a step towards the establishment of a zone free of weapons of mass destruction in the Middle East; and requesting, for the aforementioned purpose, the assistance of international organizations such as the United Nations and IAEA. According to Egypt, such assistance could include, *inter alia*, the dispatching of a special envoy to the Middle East with the task of assisting the States of the region in their endeavours to reach the objective of a nuclear-weapon-free Middle East.[28] The European Union and also a number of associated Central and Eastern European countries spoke in favour of the creation of nuclear-weapon-free zones which, in their view and on the basis of arrangements freely arrived at among the States concerned, had made a valuable contribution to global and regional peace and security. They also supported calls for the establishment of a zone free of weapons of mass destruction in the Middle East, provided that all States in the region are involved.[29] The United States supported the establishment of nuclear-weapon-free zones freely arrived at among the States of the region concerned, and particularly in the Middle East, as well as the objective of making the Middle East a zone free of all weapons of mass destruction, again based on arrangements freely arrived at among the States of the region concerned. Complementing such a goal, the United States encouraged universal adherence to the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty. It also strongly supported efforts by the United Nations Special Commission (UNSCOM) and the IAEA Action Team to ensure that Iraq is complying with the relevant Security Council resolutions and favoured the earliest possible resumption of disarmament and monitoring activities in Iraq. The United States also reiterated that a strong and effective Non-Proliferation Treaty required all parties to the Treaty to be in compliance with their obligations under the Treaty, including conclusion of the requisite full-scope Safeguards Agreements with IAEA.[30]

*Notes*

[1] Moscow Steering Group Ministerial Joint Declaration, Ministry of Foreign Affairs of the Russian Federation, Information and Press Department Reports, 1 February 2000.

[2] The meeting was attended by representatives of: Canada, Egypt, Israel, Japan, Jordan, the Palestinian Authority, the Russian Federation, Saudi Arabia, Tunisia, and the United States. The European Union was represented by the Commissioner for International Relations, the Coordinator for Foreign Policy, and the Foreign Minister of Portugal. Norway, Switzerland, the United Nations and China attended the meeting as guests of the co-sponsors. Representatives of the Syrian Arab Republic and Lebanon did not attend the meeting.

[3] For details see resolutions 50/66, 51/41, 52/34, 53/74 and 54/51.

[4] For details see resolutions 50/73, 51/48, 52/41, 53/80 and 54/57.

[5] S/1999/996.

[6] For details see IAEA resolutions GC(39) RES/24, GC(40) RES/22, GC(41)RES/25, GC(42) RES/21) and GC(43) RES/23.

[7] See IAEA decision GC(42)/DEC/11.

[8] See IAEA document GC(43)/8 and decision GC(43)/DEC/13.

[9] S/1999/996.

[10] In the period under review, the following resolutions on the subject were adopted without a vote: 50/66, 51/41, 52/34, 53/74 and 54/51.

[11] The proposal was first submitted to the Conference on Disarmament in April 1990 (see CD/989).

[12] A/46/329-S/22855, annex.

[13] See, for example, NPT/CONF.1995/SR.8, SR.9, SR.11; SR.13; PV.17; PV.18; and PV.19.

[14] Egypt annually initiated the resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East.

[15] NPT/CONF.2000/PC.III/7, NPT/CONF.2000/PC.III/8 and NPT/CONF.2000/PC.III/12.

[16] A/C.1/53/PV. 26.

[17] See A/50/325, A/51/286 and Add.1, A/52/271, A/53/379 and A/54/190 and Add.1.

[18] A/54/190 and Add.1.

[19] Moscow Steering Group Ministerial Joint Declaration, Ministry of Foreign Affairs of the Russian Federation, Information and Press Department Reports, 1 February 2000.

[20] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 42*, A/54/42, annex I.

[21] Ibid., para. 40.

[22] GC(43)/17 and annex.

[23] A/53/869-S/1999/308.

[24] NPT/CONF.2000/PC.III/7.

[25] See A/52/271.

[26] NPT/CONF.2000/PC.I/10.

[27] NPT/CONF.2000/PC.III/1.

[28] NPT/CONF.2000/PC.II/22.

[29] Statement by the United Kingdom on behalf of the European Union on Middle East nuclear-weapon-free-zone resolutions made at the second session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Geneva, 4 May 1998.

[30] Statement by the United States made at the Third Session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 14 May 1999.

## Annex

## Resolution on the Middle East

*The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,*

*Reaffirming* the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

*Recognizing* that, pursuant to article VII of the Treaty, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

*Recalling* that the Security Council, in its statement of 31 January 1992,[a] affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

*Recalling also* General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

*Recalling further* the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC(XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

*Bearing in mind* Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

*Noting* Security Council resolution 984 (1995) and paragraph 8 of the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the Conference on 11 May 1995,

*Bearing in mind* the other decisions adopted by the Conference on 11 May 1995,

1. *Endorses* the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;

2. *Notes with satisfaction* that, in its report (NPT/CONF.1995/MC.III/1), Main Committee III of the Conference recommended that the Conference "call on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities";

3. *Notes with concern* the continued existence in the Middle East of unsafeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in section VI, paragraph 3, of the report of Main Committee III urging those non-parties to the Treaty on the Non-Proliferation of Nuclear Weapons that operate unsafeguarded nuclear facilities to accept full-scope International Atomic Energy Agency safeguards;

4. *Reaffirms* the importance of the early realization of universal adherence to the Treaty, and calls upon all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards;

5. *Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. *Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

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[a] S/23500.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Realization of the goals of the Treaty on the Non-Proliferation of Nuclear Weapons in various regions of the world

### Background paper prepared by the United Nations Secretariat

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# I. Introduction

1. At its third session (10-21 May 1999), the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons invited the Secretariat of the United Nations to prepare for the Conference a background paper on the realization of the goals of the Treaty in various regions of the world.

2. The Preparatory Committee stated that the following general approach should apply to the proposed papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 1995 Review and Extension Conference and on the implementation of the outcome of that conference, including the decisions on "Strengthening the Review Process for the Treaty" and on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and the "Resolution on the Middle East".

3. The present paper highlights major developments with regard to the realization of the goals of the Treaty that have taken place in various regions of the world since the 1995 Conference. A more detailed description of developments, including unilateral, bilateral and multilateral initiatives and measures taken, is contained in the background papers prepared by the United Nations Secretariat on the tenth preambular paragraph of the Treaty (NPT/CONF.2000/2), on articles I and II (NPT/CONF.2000/3), on article VI (NPT/CONF.2000/4), on article VII (NPT/CONF.2000/5), on security assurances (NPT/CONF.2000/6) and on the implementation of the Resolution on the Middle East (NPT/CONF.2000/7). Detailed information on the activities of the International Atomic Energy Agency (IAEA) relevant to articles III, IV and V is contained in documents NPT/CONF.2000/9 to 11, respectively. Specific developments with regard to the Treaties of Tlatelolco and Rarotonga, the Bangkok Treaty and the Pelindaba Treaty are reflected in documents NPT/CONF.2000/12 to 15. For ease of reference, cross-references to the matters discussed in the above papers are included.

# II. General

4. More than 50 years have passed since the world entered the nuclear age. Preventing the spread of nuclear weapons and thereby reducing nuclear dangers, while guaranteeing that the benefits of the peaceful application of nuclear energy are universally realized, is a tremendous challenge to world peace and security. The Treaty on the Non-Proliferation of Nuclear Weapons has become the cornerstone of global efforts by the international community to meet this challenge.

5. The Non-Proliferation Treaty consists of a series of mutually reinforcing and legally binding obligations and commitments between the nuclear-weapon States and non-nuclear-weapon States pertaining both to nuclear non-proliferation (articles I and II) and to nuclear disarmament (article VI). The latter is the only binding commitment in a multilateral treaty on the part of the nuclear-weapon States with respect to the goal of nuclear disarmament. All parties to the Treaty pledge to work towards general and complete disarmament. These fundamental obligations are accompanied by a system of international safeguards (article III) and an assurance concerning the right to use nuclear technology for peaceful purposes (article IV).

6. In 1995, the obligations under the Treaty were extended indefinitely by means of a package that included decisions on the "Extension of the Non-Proliferation Treaty", on "Strengthening the Review Process for the Treaty", on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", containing benchmarks to measure the performance of all Treaty parties, and the Resolution on the Middle East.

7. Since the 1995 Conference, nine more States have become parties to the Treaty: Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu. With these accessions the overall membership of the Treaty increased to 187 from 178 at the time of the 1995 Conference. Four States remain outside the Non-Proliferation Treaty: Cuba, India, Israel and Pakistan.

# III. Major developments with regard to the realization of the goals of the Treaty in various regions of the world since the 1995 Review and Extension Conference

## A. Africa and the Middle East

8. In the period under review, Angola, Comoros, Djibouti, Oman and the United Arab Emirates acceded to the Treaty.

9. States of the region signed or ratified the Comprehensive Nuclear-Test-Ban Treaty. Of the 44 countries worldwide whose ratifications are required before that Treaty can enter into force, one State of the region has already ratified it (see NPT/CONF.2000/2).

10. With regard to articles II and III of the Non-Proliferation Treaty, the implementation of the mandates given to IAEA and the United Nations Special Commission (UNSCOM) in Iraq, as defined by Security Council resolution 687 (1991) and other relevant resolutions, continued until 16 December 1998, when the Agency and UNSCOM personnel were withdrawn from Iraq. In view of its inability to carry out Security Council resolutions-related activities since December 1998 and in the light of its obligations pursuant to Iraq's comprehensive Safeguards Agreement with the Agency, IAEA carried out an inspection in Iraq, in accordance with the Safeguards Agreement, in January 2000. The inspection had the limited objective of verifying the inventory of the nuclear material remaining in Iraq, consisting of low-enriched, depleted and natural uranium. (For detailed information, see background paper on articles I and II (NPT/CONF.2000/3) and the background paper by IAEA on activities related to article III (NPT/CONF.2000/9).)

11. During the period under review, States of the region have on numerous occasions, within the General Assembly, the Conference on Disarmament and the Disarmament Commission, as well as in international forums outside the United Nations system, continued to express their support for measures at all levels to achieve the ultimate objective of eliminating nuclear weapons and have submitted various proposals in this regard (see NPT/CONF.2000/4, paras. 11-28).

12. Some States of the region have also signed or ratified the Chemical Weapons Convention and the Convention on Anti-Personnel Landmines. Regarding the latter Convention, the States parties to the Convention convened their First Meeting in Maputo from 3 to 7 May 1999. In the Maputo Declaration, adopted at the Meeting, the States parties, *inter alia*, reaffirmed their commitment to the total eradication of anti-personnel mines (see NPT/CONF.2000/4, paras. 73 and 74).

13. With regard to the destabilizing effect of illicit arms flows, in particular of small arms, to and in Africa, the Security Council, in its resolution 1209 (1998), expressed its concern and urged Member States that had the ability to do so to cooperate with African States to strengthen their capacity to combat the movement of illegal arms. It requested the Secretary-General to consider practical ways to work with African States in implementing national, regional or subregional programmes for voluntary weapons collection, disposal and destruction, including the possibility of the establishment of a fund to support such programmes. In October 1998, the Heads of State and Government of the Economic Community of West African States (ECOWAS) adopted a Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa.[1] The General Assembly welcomed the Decision on the Prevention and Combating of Illicit Trafficking in Small Arms and Related Crimes adopted by the Southern African Development Community (SADC)[2] and decision AHG/Dec.137(XXXV) on the illicit proliferation, circulation and trafficking of small arms and light weapons adopted by the Assembly of Heads of State and Government of the Organization of African Unity (OAU).[3] The Assembly also welcomed Mali's initiative to curb the illicit circulation of small arms, to destroy thousands of small arms collected from ex-combatants and to collect those weapons also in the affected States of the Saharo-Sahelian subregion; encouraged the Secretary-General to continue his efforts to curb the illicit circulation of small arms and collect such arms in the affected States that so requested, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close cooperation with OAU; encouraged further progress on the issue and appealed for further action and support from the region and from the international community. The Secretary-General has designated the Department for Disarmament Affairs as the focal point

to coordinate all action on small arms within the United Nations system. The Department for Disarmament Affairs has established the Coordinating Action on Small Arms (CASA) as the mechanism for implementing the decisions of the Secretary-General (see NPT/CONF.2000/4, paras. 61, 62, 65 and 66).

14. The General Assembly continued to support the activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa.[4] It reaffirmed its support for efforts aimed at confidence-building measures, the promotion of peace and the prevention, management and settlement of political crises and armed conflicts in Central Africa at regional and subregional levels (see NPT/CONF.2000/4, para. 88).

15. On 11 April 1996, 45 African States signed the African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty). On 12 April 1996, the President of the Security Council on behalf of the Council stated that the signature of the African Nuclear-Weapon-Free Zone Treaty constituted an important contribution by the African countries to the maintenance of international peace and security.[5] By its resolution 51/53 and subsequent resolutions,[6] the General Assembly welcomed with satisfaction the successful conclusion of the signing ceremony of the Treaty and called upon African States to sign and ratify the African Nuclear-Weapon-Free-Zone Treaty as soon as possible so that it might enter into force without delay; expressed its appreciation to the international community and in particular to the nuclear-weapon States which had signed the Protocols that concerned them, and called upon them to ratify the Protocols as soon as possible. It also called upon the States contemplated in Protocol III to the Treaty to take all necessary measures to ensure the speedy application of the Treaty to territories for which they were, *de jure* or de facto, internationally responsible and which lay within the limits of the geographical zone established in the Treaty. By its resolution 54/48 of 1 December 1999, the Assembly called upon the African States parties to the Non-Proliferation Treaty that had not concluded comprehensive Safeguards Agreements with IAEA to do so and to conclude additional protocols to their Safeguards Agreements on the basis of the Model Protocol approved by the Board of Governors on 15 May 1997. To date, 55 States have signed the Treaty and 11 African States have ratified it. China and France have ratified the Protocols that concern them.[7] The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America have signed the Protocols for which they are eligible. At the current stage, six of the 11 States that have ratified the Treaty have comprehensive Safeguards Agreements with IAEA in force.

16. Resolutions on the establishment of a nuclear-weapon-free zone in the Middle East were adopted annually by the General Assembly without a vote.[8] In 1999, the General Assembly, by its resolution 54/51 of 1 December 1999, urged all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions, and, as a means of promoting that objective, invited the countries concerned to adhere to the Non-Proliferation Treaty. The Assembly called upon all countries of the region that had not done so, pending the establishment of the zone, to agree to place all their nuclear activities under IAEA safeguards. It further invited those countries not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear-explosive devices. The Assembly furthermore invited the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and, at the same time, to refrain from any action that ran counter to both the letter and the spirit of the initiative. With regard to the Middle East Multilateral Group on Arms Control and Regional Security (ACRS), the Group has not met since December 1994. At the Multilateral Steering Group meeting held in Moscow, on 1 February 2000, the participating Foreign Ministers emphasized the importance of reaching an agreed comprehensive agenda for ACRS. In that regard, they called upon the parties in the region to intensify their efforts to reach an agreement on this and to resume their work, with the help of the co-sponsors, with the goal of getting formal ACRS activities under way within a few months.[9] (For detailed information, see background paper on the implementation of the Resolution on the Middle East — NPT/CONF.2000/7.)

17. With regard to technical cooperation among developing countries, IAEA in its paper on the activities of the Agency related to article IV of the Treaty stresses that the most successful mechanisms established to stimulate such cooperation are

undoubtedly the Regional Cooperative Agreements for Asia (RCA), for Latin America (ARCAL) and for Africa (AFRA). It underlines that in Africa, while the budget for national Technical Cooperation projects has changed little in the past five years, allocations for AFRA and other regional projects have increased considerably, from about one fourth of the total programme budget in 1993 to over half in the Technical Cooperation programme for 1999-2000. (For detailed information, see NPT/CONF.2000/10.)

## B. The Americas

18. Since the 1995 Conference, Brazil and Chile have acceded to the Non-Proliferation Treaty.

19. States of the region signed or ratified the Comprehensive Nuclear-Test-Ban Treaty. Of the 44 countries worldwide whose ratifications are required before that Treaty can enter into force, five States from the region have already ratified it. On 13 October 1999, the United States Senate rejected the ratification of the Comprehensive Nuclear-Test-Ban Treaty. Following the vote, President Clinton stressed that eventually the United States would ratify the Treaty and affirmed that under his presidency the United States would not conduct any new nuclear tests (see NPT/CONF.2000/2).

20. During the period under review, States of the region have on numerous occasions, within the General Assembly, the Conference on Disarmament and the Disarmament Commission, as well as in international forums outside the United Nations system, continued to express strong support for measures at all levels to achieve the ultimate objective of eliminating nuclear weapons and have submitted various proposals in that regard (see NPT/CONF.2000/4, paras. 11-28).

21. The United States and the Russian Federation continued their bilateral negotiations mainly in the framework of the Strategic Arms Reduction Talks (START). The START II Treaty was ratified by the United States Senate in January 1996. In March 1997, at a summit meeting in Helsinki, the President of the United States and the President of the Russian Federation reaffirmed their commitment to take further concrete steps to reduce nuclear danger and strengthen strategic stability and nuclear security.[10] In addition to the bilateral negotiations with the Russian Federation, the United States stated that it had eliminated over 80 per cent of its tactical nuclear warheads and almost completely eliminated its non-strategic nuclear weapons. It had furthermore eliminated 47 per cent of its deployed strategic nuclear warheads.

22. In January 1999, the United States Government announced its intention to increase funding for ongoing National Missile Defense and Theatre Missile Defense programmes. It was also announced that the bilateral 1972 Anti-Ballistic Missile Treaty might have to be amended in order to accommodate a national missile defence system. Following a summit meeting between the President of the United States and the President of the Russian Federation at Cologne, Germany, a Joint Statement between the United States and the Russian Federation concerning Strategic Offensive and Defensive Arms and further Strengthening of Stability[11] was issued by the two Governments in June 1999. Both parties reaffirmed their commitment to strengthening strategic stability and international security and stressed the importance of the further reduction of strategic offensive weapons.

23. Work continued on the "trilateral initiative" between the United States, the Russian Federation and IAEA, launched in 1996, to address technical, legal and financial issues associated with IAEA verification of weapon-origin fissile material designated as no longer required for defence purposes. (For details on the developments described above, see NPT/CONF.2000/4, paras. 29-38 and 40.)

24. In January 2000, the United States released a report on its National Security Strategy. The report stated that "nuclear weapons serve as a guarantee" of America's security commitments to its allies. It also stressed that the United States would continue to maintain a robust triad of strategic nuclear forces sufficient to deter any potential adversaries who may have or seek access to nuclear forces[12] (see NPT/CONF.2000/4, para. 9).

25. States of the region have signed or ratified the Chemical Weapons Convention and the Convention on Anti-Personnel Landmines.

26. On 1 July 1998, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Matters[13] entered into force. In June 1999, the Inter-American Convention on Transparency in Conventional Weapons Acquisitions was adopted.[14]

27. During the period under review, States parties to the Treaty of Tlatelolco continued their cooperation within the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) as well as through arrangements between some of its members. A detailed description of developments is contained in the background paper on the Treaty of Tlatelolco (NPT/CONF.2000/12). Comprehensive Safeguards Agreements are in force with 31 of the 32 States parties to the Treaty.

28. In 1996, a resolution on a nuclear-weapon-free southern hemisphere and adjacent areas was submitted to the General Assembly for the first time by Brazil. By that resolution and similar resolutions of subsequent years,[15] the General Assembly, *inter alia*, welcomed the contribution that the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba as well as the Antarctic Treaty were making towards freeing the southern hemisphere and adjacent areas from nuclear weapons (see NPT/CONF. 2000/5, para. 18).

29. In an effort to strengthen peace and security in the region, States members of the Organization of American States (OAS) continued to promote and encourage the adoption and implementation of confidence- and security-building measures. An Action Plan for confidence- and security-building measures for the region was endorsed by the OAS General Assembly[16] which envisages the development of a cooperation programme to address the concerns raised by the maritime transport of nuclear and other waste; continue to support the efforts of small island States to address their special security concerns; improve and broaden the information submitted by member States to the United Nations Register of Conventional Arms; and continue consultations and the exchange of ideas within the hemisphere to advance the limitation and control of conventional weapons in the region.[17] In July 1998, the Governments of Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay signed a Political Declaration of the Southern Cone Common Market (MERCOSUR), Bolivia and Chile as a Zone of Peace.[18] By that Declaration, the participating States, *inter alia*, declared MERCOSUR, Bolivia and Chile as a zone of peace, free from weapons of mass destruction.[19]

30. In May 1998, a cooperation agreement between the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) and IAEA entered into force (see NPT/CONF.2000/9, para.105).

31. In February 1998, the States members of OPANAL adopted a declaration on the transport of radioactive waste, calling upon the international community to strengthen the strict regulation of this type of waste so as to entail guarantees on security measures, non-contamination, contingency plans in the case of accidents, and the exchange of information with interested States.[20]

## C. Asia and the Pacific

32. In the period under review, Vanuatu became a party to the Non-Proliferation Treaty.

33. States of the region signed or ratified the Comprehensive Nuclear-Test-Ban Treaty. Of the 44 countries worldwide whose ratifications are required before that Treaty can enter into force, four States from the region have already ratified it. Three States whose signature and ratification is required for the Treaty to enter into force have not yet signed (see also NPT/CONF.2000/2).

34. On 11 and 13 May 1998, India announced that it had conducted five underground nuclear test explosions. Pakistan then announced on 28 and 30 May that it had conducted six nuclear tests. The tests were the first since the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty in September 1996 and the de facto moratorium on nuclear testing that had been in existence since then. The international community both within and outside the United Nations system reacted strongly by condemning the tests, considering them a setback in nuclear disarmament and nuclear non-proliferation and calling upon both States to undertake measures to adhere to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions. The Security Council, by its resolution 1172 (1998) of 6 June 1998, recognized that the tests conducted by India and Pakistan constituted a serious threat to global efforts towards nuclear non-proliferation and disarmament; and urged India and Pakistan, and all other States that had not yet done so, to become Parties to the Non-Proliferation Treaty and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions. The Council set out a number of steps to be undertaken by the two countries, including to immediately stop their nuclear weapons development programmes, to refrain from weaponization or from the deployment of nuclear weapons and to cease development of ballistic missiles

capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons. Since the testing, both India and Pakistan have each announced a unilateral moratorium. They have declared their intentions to sign the Comprehensive Nuclear-Test-Ban Treaty but stated that they needed to build a national consensus on signing the Treaty. Both States are engaged in bilateral discussions on the issues with key interlocutors. (For detailed information see NPT/CONF.2000/2, paras. 33-41.)

35. With regard to implementation of the Safeguards Agreement between IAEA and the Democratic People's Republic of Korea (DPRK), some progress has been made since 1995 with regard to some of the safeguards measures required by the Agency, but not others. The Agency remains unable to verify the correctness and completeness of the initial declaration by the DPRK of its nuclear material subject to safeguards. The DPRK accepts the Agency activities solely within the context of the Agreed Framework concluded between the United States of America and the DPRK in October 1994 (see also NPT/CONF.2000/9, paras. 65-68).

36. During the period under review, States of the region have on numerous occasions, within the General Assembly, the Conference on Disarmament and the Disarmament Commission, as well as in international forums outside the United Nations system, continued to express their support for measures at all levels to achieve the ultimate objective of eliminating nuclear weapons and have submitted various proposals in that regard. (For detailed information, see NPT/CONF.2000/4, paras. 11-28.)

37. China has continued to stress that it would not be the first to use nuclear weapons at any time and under any circumstances and has undertaken unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapons States or nuclear-weapon-free zones. It underlined that it had shown utmost restraint in the development of nuclear weapons, that it had conducted a very limited number of nuclear tests and possessed a very limited number of nuclear weapons. It also stated that its nuclear weapons had been placed under strict control, thereby removing the risk of an accidental launch[21] (see NPT/CONF.2000/4, para. 44). In 1997, China ratified Protocols I and II to the Pelindaba Treaty.

38. In September 1996, Kazakhstan completed its nuclear-weapon dismantlement programme and reported that the last nuclear missile launchers in its territory had been eliminated.[22]

39. States of the region have also signed or ratified the Chemical Weapons Convention and the Convention on Anti-Personnel Landmines.

40. In 1996, France, the United Kingdom and the United States signed Protocols 1, 2 and 3 to the Treaty of Rarotonga, and France and the United Kingdom ratified Protocols 1, 2 and 3 in 1996 and 1997 respectively. (For detailed information, see the memorandum from the South Pacific Forum Secretariat (NPT/CONF.2000/13).) All Contracting Parties to that Treaty have met its requirement to bring into force comprehensive Safeguards Agreements pursuant to the Non-Proliferation Treaty or equivalent in scope and effect (see NPT/CONF.2000/9, para. 72).

41. The Treaty on the South-East Asia Nuclear Weapon-Free Zone Treaty (Bangkok Treaty) was signed in December 1995 by all 10 countries of South-East Asia. It entered into force in March 1997 and has been ratified by 9 of the signatory States. Eight of the contracting States parties have brought into force comprehensive Safeguards Agreements pursuant to the requirements of the Treaty. Since its entry into force, the parties to the Treaty have been proceeding on two tracks, firstly on the implementation of the provisions of the Treaty, and secondly on obtaining support for the Treaty and its Protocol from the five nuclear-weapon States. Substantial progress has been made on both tracks, including the convening of the Inaugural Meeting of the Commission for the zone in July 1999, the launching of a dialogue with IAEA to discuss cooperation between the Agency and the parties to the Treaty and consultations with the five nuclear-weapon States. China has expressed its readiness to be the first country to sign the Protocol to the Treaty. (For detailed information, see the memorandum from the depositary of the Bangkok Treaty (NPT/CONF.2000/15).)

42. With the adoption of resolution 53/77 D of 4 December 1998, the General Assembly for the first time unanimously welcomed the declaration by Mongolia of its nuclear-weapon-free status. On 3 February 2000, the parliament of Mongolia adopted the Law on the international security and nuclear-weapon-free status of Mongolia as well as the resolution on measures to be taken in connection with the adoption of the Law[23] (see NPT/CONF.2000/5, para. 11).

43. The General Assembly, by its resolutions adopted in 1997 and 1998,[24] called upon all States to support the initiative by the five Central Asian States[25] to establish a nuclear-weapon-free zone in Central Asia and requested the Secretary-General of the United Nations to provide assistance in the preparation of the form and elements of an agreement on such a zone. Consequently, an expert group, consisting of experts from each of the five States, was established to prepare the form and elements of an agreement for such a zone. While progress has been made towards drafting a treaty on establishing such a zone in Central Asia, final agreement has still not been reached on the text (see NPT/CONF.2000/5, paras. 12 and 13).

44. At the sixth Summit of the Association of South-East Asian Nations (ASEAN) held at Hanoi in December 1998, member States adopted the Hanoi Plan of Action, in which they pledged, *inter alia*, to support and participate actively in all efforts to achieve the objectives of general and complete disarmament, especially the non-proliferation of nuclear weapons and other weapons of mass destruction; to continue efforts to promote confidence-building measures in the South China Sea between and among the parties concerned; and to intensify intra-ASEAN security cooperation through existing mechanisms.[26]

## D. Europe

45. Since the 1995 Conference, Andorra has become a party to the Non-Proliferation Treaty.

46. States of the region signed or ratified the Comprehensive Nuclear-Test-Ban Treaty. Of the 44 countries worldwide whose ratifications are required before that Treaty can enter into force, 18 States have already ratified it, including France and the United Kingdom (see also document NPT/CONF.2000/2).

47. During the period under review, States of the region have on numerous occasions, within the General Assembly, the Conference on Disarmament and the Disarmament Commission, as well as in international forums outside the United Nations system, continued to express their support for measures at all levels to achieve the ultimate objective of eliminating nuclear weapons and have submitted various proposals in that regard. (For detailed information, see NPT/CONF.2000/4, paras. 11-28.)

48. The United States and the Russian Federation continued their bilateral discussions mainly in the framework of the Strategic Arms Reduction Talks (START). In March 1997, at a Summit Meeting in Helsinki, the President of the United States and the President of the Russian Federation reaffirmed their commitment to take further concrete steps to reduce nuclear danger and strengthen strategic stability and nuclear security.[27] In addition to the bilateral negotiations, the Russian Federation reported that it had taken a number of major steps resulting in considerably reduced nuclear arsenals. Over 930 launchers of intercontinental ballistic missiles and submarine-launched ballistic missiles had been eliminated, as well as about 2,000 missiles for such launchers, 24 nuclear submarines and over 80 heavy bombers. All in all, by December 2001, the strategic nuclear forces of the Russian Federation will be reduced by approximately 40 per cent. Russian land-based missiles of two categories, with a range of 500 to 5,500 kilometres, were reported to have been completely eliminated and a ban on their production and testing was imposed. As far as tactical nuclear weapons are concerned, the Russian Federation stated that it fully and consistently implemented its declared unilateral initiatives.

49. Following a summit meeting between the President of the United States and the President of the Russian Federation at Cologne, Germany, a Joint Statement between the United States and the Russian Federation concerning Strategic Offensive and Defensive Arms and further Strengthening of Stability[28] was issued by the two Governments in June 1999. Both parties reaffirmed their commitment to strengthening strategic stability and international security and stressed the importance of further reduction of strategic offensive weapons.

50. Work continued on the "trilateral initiative" between the United States, the Russian Federation and IAEA, launched in 1996, to address technical, legal and financial issues associated with IAEA verification of weapon-origin fissile material designated as no longer required for defence purposes.

51. In June 1999, the United States and the Russian Federation signed a protocol to continue the Cooperative Threat Reduction programme in the Russian Federation.

52. In June 1996, the process of withdrawing strategic nuclear warheads from the territory of Ukraine to the Russian Federation for subsequent destruction under the supervision of Ukrainian observers was completed.[29] By 27 November 1996, the removal of nuclear weapons from the territory of Belarus had been completed.[30] In July 1999, the United States and Ukraine also extended the agreement to continue the Cooperative Threat Reduction programme in Ukraine through December 2006. (For details on the developments described in paragraphs 48 to 52, see NPT/CONF.2000/4, paras. 29-41.)

53. The United Kingdom's Strategic Defence Review, undertaken in 1997, included significant reductions in, and transparency about, its nuclear deterrent. Overall, the United Kingdom will maintain fewer than 200 operationally available nuclear warheads, a reduction of one third from the previously announced ceiling of 300. The explosive power of the operationally available weapons will have been reduced by over 70 per cent since the end of the cold war. The United Kingdom has also published information about its defence stocks of fissile material and is taking steps to place under safeguards some 50 per cent of its unsafeguarded plutonium. It stated that it had ceased production of fissile material for use in nuclear weapons and other explosive devices in 1995 (see also NPT/CONF.2000/4, para. 42).

54. France has significantly reduced the format and alert-status of its nuclear forces since 1991. Specifically, it completely eliminated the ground-to-ground component of its nuclear deterrent by dismantling the Plateau d'Albion ground component, which contained 18 strategic missiles, and by the final removal of 30 short-range Hades missiles. The de-targeting of strategic French nuclear weapons was implemented in September 1997. France completely dismantled in 1996-1997 its former nuclear test site in the Pacific and ratified the Protocols to the Treaty of Rarotonga. France has ceased all production of fissile materials for nuclear weapons and closed its production facilities and the operations to dismantle them are under way[31] (see also NPT/CONF.2000/4, para. 43).

55. In 1999, the North Atlantic Treaty Organization (NATO) reaffirmed its policy of nuclear deterrence and, referring to nuclear weapons, the New Strategic Concept stated that "they will continue to fulfil an essential role", although "the circumstances in which any use of nuclear weapons might have to be contemplated ... are extremely remote".[32] The Russian Federation, also in January 2000, published its new National Security Strategy in which it stressed the right to use all available means, including nuclear weapons, to repel aggressors (see NPT/CONF.2000/4, para. 9).

56. States of the region have also signed or ratified the Chemical Weapons Convention and the Convention on Anti-Personnel Landmines.

57. With regard to conventional disarmament measures, an Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe (CFE) was concluded in November 1999. States of the region took an active part in measures aimed at restraining conventional arms transfers and preventing and combating illicit trafficking in small arms. In June 1998, the European Union adopted a code of conduct on arms sales, which called for, *inter alia*, restraint in conventional arms transfers by all EU member States and the promotion of conversions in the field of conventional arms exports.[33] The EU Council also adopted a Joint Action on the European Union's contribution to combating the destabilization and spread of small arms and light weapons, and made a recommendation on combating the excessive and uncontrolled accumulation and spread of small arms and light weapons as part of the European Union's emergency aid, reconstruction and development programmes.[34]

58. All 15 States members of EU have concluded protocols additional to their respective Safeguards Agreements with IAEA and with Euratom.

*Notes*

[1] A/53/763-S/1998/1194. A Code of Conduct to backstop the implementation of the Moratorium was adopted on 10 December 1999 by the Heads of State or Government of ECOWAS.

[2] A/54/488-S/1999/1082.

[3] A/54/424.

[4] See resolutions 50/71 B, 51/46 C, 52/39 B, 53/78 A and 54/55 A (all resolutions were adopted without a vote).

[5] S/PRST/1996/17.

[6] Resolution 52/46.

[7] China has ratified Protocols I and II. France has ratified Protocols I, II and III.

[8] Resolutions 50/66, 51/41, 52/34, 53/74 and 54/51.

[9] Moscow Steering Group Ministerial Joint Declaration, Ministry of Foreign Affairs of the Russian Federation, Information and Press Department Reports, 1 February 2000.

[10] NPT/CONF.2000/PC.I/6; the joint statement was also issued as document CD/1460.

[11] The White House, Office of the Press Secretary, 20 June 1999.

[12] The White House, Office of the Press Secretary, press release, 5 January 2000.

[13] A/53/78.

[14] CD/1591.

[15] Resolutions 51/45 B (adopted by a vote of 129 to 3, with 38 abstentions); 52/38 N (131-3-34); 53/77 Q (154-3-10); and 54/54 L (157-3-4).

[16] AG/RES. 1566 (XXVIII-O/98).

[17] *The United Nations Disarmament Yearbook*, vol. 23: 1998 (United Nations publication, Sales No. 99.IX.1), p. 105.

[18] CD/1552.

[19] See also the statement by Brazil on behalf of the countries belonging to MERCOSUR in the First Committee of the General Assembly at its fifty-third session (A/C.1/53/PV.21).

[20] *The United Nations Disarmament Yearbook*, vol. 23:1998 (United Nations publication, Sales No. 99.IX.1), p. 27.

[21] See A/C.1/53/PV.23; see also NPT/CONF.2000/PC.II/SR.1, A/C.1/54/PV.5 and NPT/CONF.2000/PC.III/SR.1.

[22] A/C.1/51/5, annex.

[23] A/55/56-S/2000/160.

[24] Resolutions 52/38 S and 53/77 A were adopted without a vote.

[25] Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

[26] See Hanoi Plan of Action, Ministry of Foreign Affairs, Viet Nam, 13 December 1998, in: *The United Nations Disarmament Yearbook*, vol. 23:1998 (United Nations publication, Sales No. 99.IX.1), pp. 106 and 107.

[27] NPT/CONF.2000/PC.I/6; the joint statement was also issued as document CD/1460.

[28] The White House, Office of the Press Secretary, 20 June 1999.

[29] See A/51/157, annex; A/51/159-S/1996/417; and A/51/169-S/1996/417.

[30] A/51/708, annex.

[31] See A/C.1/53/PV.16 and 30; see also NPT/CONF.2000/PC.I/26.

[32] See NATO press release NAC-S(99)65, 24 April 1999.

[33] CD/1544.

[34] A/54/374.

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# ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELEVANT TO ARTICLE III OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Background Paper Prepared by the Secretariat of the IAEA

February 2000

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# ARTICLE III OF THE NPT

"1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere."

"2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article."

"3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty."

"4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations."

# Activities of the International Atomic Energy Agency Relevant to Article III of the Treaty on the Non-Proliferation of Nuclear Weapons

## EXECUTIVE SUMMARY

1. States Party to the NPT rely on the IAEA to provide assurance of the compliance of other States Parties with their safeguards undertakings and to demonstrate their own compliance. The provision of such assurance through IAEA safeguards promotes further confidence among States and, as a fundamental element of the NPT, helps to strengthen States' collective security. Safeguards and other Agency activities related to nuclear material security also facilitate international nuclear trade and co-operation. For the last thirty years, the Agency has been able to provide credible assurance about the non-diversion of nuclear material which has been declared and placed under safeguards.

2. Safeguards have continually evolved, since their inception, to take account of changes in technology. Following the Gulf War, the shortcomings of the safeguards system became apparent and it was agreed that the system would have to provide assurance not only about the non-diversion of declared nuclear material and facilities but also about the absence of any undeclared nuclear material and activities. To do this, the system has needed to move beyond its traditional focus on nuclear material accountancy - essentially a quantitative audit system designed to keep track of material declared to the Agency - to a system based on more qualitative assessment. Such a system affords the Agency a better vantage point from which to develop a more comprehensive picture than before of all nuclear activities in a State and to detect and verify possible non-peaceful activities at an early stage. The strengthening of Agency safeguards has entailed developments in three major areas: more information, wider access and greater use of advanced technology.

3. The IAEA began to introduce new measures to strengthen safeguards in 1992. Some of the measures could be carried out by virtue of the authority conferred upon the IAEA in existing comprehensive safeguards agreements. Other measures required additional authority which was conferred upon the Agency through the Model Protocol Additional to safeguards agreements ("Model Additional Protocol") approved by the IAEA Board of Governors in May 1997 (INFCIRC/540 Corr.). The measures in the Model Additional Protocol are designed to provide the Agency with as comprehensive a picture as is practicable about a State's nuclear material and activities and additional physical access to places where nuclear material is, or could be, present. The underlying rationale is that the more that is known about a State's nuclear activities and plans, the more comprehensive the verification process can be and the more robust the assurances derived therefrom.

4. The 1995 NPT Review and Extension Conference adopted a number of "Principles and Objectives" relating to Agency safeguards. In paragraph 9 of that document, the States Parties confirmed that the IAEA is the competent authority to verify and assure States' compliance with their safeguards agreements. The IAEA has continued to function as such. Paragraph 10 of the same document notes that all States Parties are required to bring into force comprehensive safeguards agreements. Since the 1995 Conference, 28 States Parties to the Treaty have concluded and brought into force safeguards agreements which satisfy the requirements of the NPT, bringing the total number of States with Treaty safeguards

agreements in force to 127 as of 1 January 2000. However, there remain 55 States Parties which have not yet brought into force the safeguards agreement which the Treaty requires of them.

5. Paragraph 11 of the "Principles and Objectives" supported strengthening the effectiveness of the safeguards system. Given the importance attributed in that paragraph to supporting and implementing decisions adopted by the Board of Governors aimed at further strengthening the effectiveness of safeguards, progress in concluding Additional Protocols has been disappointingly slow. In this context, it is important to note that the Agency's ability to implement fully the safeguards required by Article III of the Treaty depends not only on all the relevant safeguards agreements being in place, but also on the conclusion of Additional Protocols. This is because it is only with respect to States which have both a comprehensive safeguards agreement and an Additional Protocol that the Agency will be able to provide credible assurances about the non-diversion of nuclear material and the absence of undeclared nuclear material and activities.

6. Paragraph 13 of the "Principles and Objectives" stated that fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under IAEA safeguards in the framework of the Voluntary Offer safeguards agreements in place with the nuclear-weapon States (NWSs). Ten tonnes of highly enriched uranium and two tonnes of plutonium are currently under safeguards in the United States of America. In addition, the Agency is making arrangements for the down-blending of some 50 tonnes of high enriched uranium deemed excess by the USA. The United Kingdom has also reduced its nuclear stockpile and has released significant fissile material inventories from military use. This material is now subject to EURATOM safeguards and is eligible for IAEA safeguards under the United Kingdom's Voluntary Offer Agreement, contingent on adequate resources.

7. Over and above these efforts, in September 1996, the United States of America and the Russian Federation launched a joint initiative concerning Agency verification of weapon-origin fissile material in the USA and the Russian Federation. The Parties are addressing the various technical, legal and financial issues involved and work is ongoing with regard to a framework verification agreement which would ensure that the fissile material is irrevocably removed from weapons programmes, and verification arrangements which would enable the Agency to draw independent and credible conclusions, while ensuring, in line with the States' obligations under Article I of the Treaty, that no classified information could be acquired by the inspectors.

8. In paragraph 19 of the "Principles and Objectives", the States Parties agreed that every effort should be made to ensure that the IAEA has the financial and human resources to meet its safeguards responsibilities effectively. Notwithstanding, IAEA Member States have continued to apply a policy of zero real growth to the IAEA's budget. The Agency has become increasingly dependent on voluntary, extrabudgetary contributions from Member States. In the projected budget for 2001, over 20% of the full cost of the safeguards programme lies outside the regular budget. Such heavy reliance on extrabudgetary funds is unsound and unsatisfactory.

9. Important aspects of IAEA safeguards since 1995 are the Agency's activities in Iraq and in the Democratic People's Republic of Korea (DPRK). From 1995 to 1998, the IAEA

continued monitoring and verification activities in Iraq pursuant to the relevant Security Council resolutions. Restrictions of rights imposed by Iraq on IAEA teams in the second half of 1998 resulted in a severely limited level of assurance about Iraq's compliance with the Security Council resolutions. On 16 December 1998, monitoring activities were suspended indefinitely. In January 2000 the Agency carried out an inspection pursuant to Iraq's NPT safeguards agreement.

10. The Agency is still unable to verify the initial report of nuclear material and facilities subject to safeguards in the DPRK and can accordingly provide no assurance about non-diversion. The DPRK remains in non-compliance with its safeguards agreement. It continues to link the extent of its co-operation with the Agency to progress in the implementation of the Agreed Framework between the DPRK and the United States of America.

11. The Agency has been involved in a variety of other safeguards-related issues since the 1995 NPT Review and Extension Conference. Progress was made in the conclusion of safeguards agreements related to nuclear-weapon-free zones (NWFZs). Efforts also continue with regard to the application of full-scope IAEA safeguards to all nuclear activities in the Middle East and a future NWFZ in that area. The Agency has also increased its efforts with regard to the security of nuclear material, for example through improving its database of illicit trafficking incidents. The recommendations for physical protection, published under IAEA auspices, were reviewed and strengthened in 1998.

12. The Agency has continued to devote substantial effort to strengthening the effectiveness and improving the efficiency of safeguards. One measure of effectiveness is inspection goal attainment. This has continued to improve gradually since 1995 but efforts are still required to solve some implementation problems. The efficiency of safeguards has also continued to improve. Efficiency, as measured by the cost of safeguards per significant quantity (SQ) of nuclear material, has been improved due largely to economies of scale. The implementation of the Additional Protocol is expected to increase further both the effectiveness and the efficiency of Agency safeguards.

13. Throughout the past five years, the Agency has continued to respect its obligations to: avoid hampering and undue interference in States' peaceful nuclear activities; protect commercial and industrial secrets and other confidential information; secure staff of the highest standards with due regard to geographical distribution; co-operate with State Systems of Accounting and Control; increase the transparency of safeguards; and provide effective and acceptable safeguards approaches for new and complex nuclear facilities.

14. The main focus of the on-going and future work is merging the existing nuclear material verification activities with the new strengthening measures or, in other words, the integration of safeguards. The aim is to optimize the combination of all the safeguards measures available to the Agency in order to meet the Agency's safeguards objectives with maximum effectiveness and efficiency.

15. States should provide all the necessary political, technical and financial support for all safeguards-related work of the IAEA. States can make a major contribution in a variety of ways, for example through supporting and implementing safeguards strengthening measures. Of key importance in this context is the conclusion of safeguards agreements and

Additional Protocols. States can also contribute to the Agency's safeguards work through: safeguards support programmes; timely, positive responses to inspector designation proposals and visa requests; the provision of logistical and other support; and ensuring high quality in their material accountancy data and declarations submitted pursuant to Additional Protocols.

# I. SAFEGUARDS UNDER THE NPT

## A. Safeguards as a Component of the Non-Proliferation Regime

16. Safeguards applied in accordance with Article III of the NPT are a form of institutionalized nuclear transparency through which the IAEA can verify that a non-nuclear-weapon State's nuclear activities are being used exclusively for peaceful purposes. However, IAEA safeguards are only one component of a wider set of measures designed to give assurance against the proliferation of nuclear weapons. They are directly connected to the legal instruments, such as the NPT, in which non-proliferation commitments are anchored and to the mechanisms for ensuring compliance, such as recourse to the Security Council. Other major component of the regime are: (i) national legislation and regulations aimed at preventing the proliferation of nuclear weapons; (ii) national and international nuclear export control systems; (iii) measures to ensure the physical protection of nuclear material and to guard against theft or unauthorized use; (iv) commitments not to test nuclear weapons or other nuclear explosive devices; and, most importantly, (v) regional accommodations (as reflected, inter alia, in nuclear-weapon-free zone (NWFZ) treaties) and steps towards nuclear disarmament. All of these components are mutually reinforcing.

17. The basic authority for the IAEA to apply safeguards derives from the provisions of the Statute of the IAEA, which entered into force in 1957. Article III.A.5 of the Statute authorises the Agency, inter alia, "to apply safeguards, at the request of the Parties, to any bilateral or multilateral arrangement".

18. With the entry into force in 1970 of the NPT, the IAEA was vested with the responsibility of assuring, through its safeguards system, compliance by non-nuclear-weapon States (NNWSs) Party to the Treaty with their safeguards obligations under the Treaty. In 1972, the Board of Governors approved the structure and content of a model comprehensive safeguards agreement pursuant to the NPT and requested the Director General to use it as a basis for negotiating safeguards agreements under the NPT. The relevant document (IAEA document INFCIRC/153 (Corr.)) is also regarded as the standard guideline for safeguards agreements under NWFZ treaties and other non-proliferation undertakings (e.g. the safeguards agreement concluded at the request of Argentina and Brazil). In addition, the five nuclear-weapon States (NWSs) have each accepted the application of Agency safeguards to all or part of their peaceful nuclear activities along the lines of INFCIRC/153 (the so called "Voluntary Offer Agreements").

## B. Objectives of Safeguards

19. The objectives of NPT safeguards are to ensure that safeguards are applied to all nuclear material in all peaceful nuclear activities of the NNWSs Parties to the Treaty and to assure the international community that NNWSs Parties are complying with their peaceful use undertakings. The Agency endeavours to fulfil these objectives through a system that is

designed to detect, in a timely manner, a diversion of significant quantities (SQ)[1] of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices and to deter such diversion by the risk of early detection. The system is based on the principle that a certain quantity of nuclear material is needed to manufacture a nuclear explosive device and that a certain length of time is required to convert that material into weapons-usable form.

## C. Basic Features

20. The basic features of the original NPT safeguards system are: *nuclear material accounting* through which, on the basis of information provided primarily by the State, the Agency establishes an initial inventory of nuclear material in the State, and records subsequent changes to it; *containment and surveillance* measures to monitor access to and movement of nuclear material and *on-site inspections* during which Agency inspectors have the right and obligation to carry out a variety of measures (such as the examination of records; taking measurements and samples of nuclear material for IAEA analysis; and verifying the functioning and calibration of instruments) for the purpose of verifying the correctness of States' nuclear accountancy data and also the completeness of declarations related to their nuclear programmes. On-site inspection is its most important feature. Inspections are of three types: ad hoc, routine and special. Ad hoc and routine inspections constitute the bulk of inspections. They give the Agency access to nuclear material and operating records and to specified locations where nuclear material is or may be used or stored. Special inspections are exceptional and may be prompted by the State itself, or by the IAEA if it considers that information made available by the State is not adequate for the Agency to fulfil its responsibilities under the relevant safeguards agreement.

21. The safeguards system is based on impartiality and objectivity and assumes neither compliance nor non-compliance. Essentially an audit system, it can neither provide assurances about future compliance or intentions, nor ensure enforcement. Rather, in cases where the system functions as an alarm which can trigger other response mechanisms.

## D. Strengthening Safeguards

22. The Background Paper which the IAEA prepared for the 1995 NPT Review and Extension Conference (NPT/CONF.1995/7) about its activities under Article III of the NPT made clear that, following the discovery of Iraq's clandestine enrichment and nuclear weapons programmes, the Agency embarked upon intensive efforts to strengthen its safeguards system. The aim has been to develop a system which can not only provide assurance about the non-diversion of **declared** nuclear material and facilities, but can also provide credible assurance about the absence of any **undeclared** nuclear material and activities. The 1995 Background Paper explained that the focus of these efforts has been on obtaining more information from States about their nuclear activities and plans, and on

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[1] A significant quantity is the approximate quantity of any given type of nuclear material which, taking into account any conversion process involved, is required for the manufacture of a nuclear explosive device. The timely detection of diversion is a reference to the maximum time frame within which the Agency seeks to detect any diversion from peaceful use. For this quantification, the Agency looks at the "conversion times" required to convert different types of nuclear material into a nuclear explosive device.

greater access to locations at which nuclear material is or could be present. Early strengthening measures were described (such as the early provision of design information about nuclear facilities, a reporting scheme on imports and exports of nuclear material and certain non-nuclear material and equipment, and the affirmation by the IAEA Board of Governors of the Agency's right to conduct special inspections), and considerable coverage was given to the then on-going safeguards development programme ("Programme 93+2") designed to build on earlier measures to strengthen the Agency's information base about a State's nuclear material and activities and to provide for greater access. The paper explained that increased cost efficiency was also a focus of the Programme.

23. As foreseen at the time of the 1995 NPT Review and Extension Conference, the Director General of the IAEA submitted to the IAEA Board of Governors, shortly thereafter, a number of proposals for further strengthening measures. Some of the proposals could be carried out under the authority already contained in comprehensive safeguards agreements. Others required additional authority to be conferred by States upon the Agency. Measures in the former category, which were brought to the attention of the IAEA Board of Governors in June 1995, built on earlier ones through recourse to such information gathering techniques as environmental sampling, the use of remote monitoring equipment, and improved evaluation of all information available about a State's nuclear material and activities.

24. In June 1996, the Board of Governors decided to establish an open-ended Committee to negotiate a legal instrument that would provide the legal authority for certain other measures which did not fall within the existing legal authority. The Committee met four times (2-4 July and 1-11 October 1996; 20-31 January and 2-4 April 1997) and negotiated the text of the Model Protocol Additional to Safeguards Agreements ("Model Additional Protocol") which was approved at a special meeting of the Board of Governors in May 1997. The document is published as an Agency Information Circular, INFCIRC/540 (Corrected).

25. The Model Additional Protocol embodies powerful new tools to help the Agency to verify compliance with States' nuclear non-proliferation commitments and, in combination with the relevant safeguards agreement, provides for as complete a picture as practicable about: a State's production of and holdings of nuclear source material; activities for the further processing of nuclear material (whether for nuclear or non-nuclear use); and elements of the infrastructure which supports the States' current or planned nuclear fuel cycle. The voluntary reporting scheme mentioned in paragraph 22 above is in substance incorporated into the Additional Protocol as a legal obligation.

26. A NNWS which has concluded an Additional Protocol is obliged to provide the Agency with:

(a) information about, and inspector access to, all aspects of the State's nuclear fuel cycle, from uranium mines to nuclear waste and any other locations where nuclear material is present;

(b) information about, and access mechanisms related to, nuclear fuel cycle-related research and development;

(c) information about, and short-notice inspector access to, all buildings on a nuclear "site";

(d) information about the manufacture of nuclear-related items and also any exports of sensitive nuclear-related technologies, and mechanisms for physical access to relevant locations in this regard;

(e) information about a State's long-term plans for the development of the nuclear fuel cycle;

(f) wider physical access than hitherto for inspection purposes and for the collection of environmental samples.

Provision is also made for:

(g) administrative arrangements, to rationalize safeguards administration through improving the process of inspector designations, the issuance of visas, wider use of IAEA regional offices, and enabling Agency inspectors to use the most up to date means of communications for transmitting safeguards-related data in a timely fashion.

27. The Model Additional Protocol represents a balance between rights and obligations of States and the Agency. While a State concluding an Additional Protocol incurs certain additional, legal obligations, the other side of the coin is that States' rights are protected under the Model Additional Protocol through the Agency's obligation to:

(a) ensure that the broader access rights incorporated in the Model document are not applied in any mechanistic or systematic fashion, but on a selective basis to facilities or to other places where nuclear material is declared to be present (to assure the absence of any undeclared nuclear material or activities) and to resolve questions and inconsistencies;

(b) provide advance notice to the State in writing of requests for such access, referred to in the Additional Protocol as "complementary access", specifying the reasons for the request and the activities to be carried out;

(c) accept managed access upon request by the State, in order to prevent the dissemination of proliferation sensitive information or to protect proprietary or commercially sensitive information;

(d) hold prior consultations with the State, for example, to give the State an opportunity to clarify and facilitate the resolution of a question or inconsistency, before a request for complementary access is made, or, in connection with wide-area environmental sampling, as and when such environmental sampling is approved by the Agency's Board of Governors;

(e) inform the State in writing of the activities and results of activities carried out under the Additional Protocol and the conclusions it has drawn therefrom;

(f) agree on Subsidiary Arrangements with the State, if either the State or the Agency considers it necessary to specify in Subsidiary Arrangements how measures laid down in the Additional Protocol are to be applied; and

(g) maintain a stringent regime to ensure effective protection against disclosure of all commercial, technological and industrial secrets and other confidential information coming to the Agency's knowledge in the implementation of the Additional Protocol.

Moreover, the enhanced assurances about the peaceful nature of States' nuclear activities and compliance with their non-proliferation undertakings, which the Agency will be able to provide as a result of its implementation of the Additional Protocol, will benefit the States that are Party to it.

28. Following the adoption of the Model Additional Protocol by the Board of Governors in May 1997, the IAEA Secretariat began work on the infrastructure necessary for effective and efficient implementation. Guidelines for States on the information required under Article 2, and formats for providing it, were developed. Model language has also been formulated for use in Subsidiary Arrangements. Recently, specific guidelines were completed to take account of the particular circumstances of States which, according to the Secretariat's understanding, have little or no nuclear material or activities. Work continues on guidelines for complementary access - of considerable interest to States during the Board's Committee deliberations - and, very importantly, training courses continue to be designed or modified to equip Agency inspectors with the new skills they need with the shift, under the Additional Protocol, to a more qualitative type of assessment. Also important are all the measures which the Agency continues to take to enhance its information gathering, analysis and evaluation capabilities.

## II. DECISIONS OF THE 1995 NPT REVIEW AND EXTENSION CONFERENCE WITH REGARDS TO SAFEGUARDS

29. In keeping with the mandate conferred by the Third Session of the Preparatory Committee for the 2000 NPT Review Conference, this paper focuses on the implementation of the outcome of the 1995 Review and Extension Conference in so far as relevant to Agency safeguards.

30. The 1995 NPT Review and Extension Conference adopted a number of "Principles and Objectives" relating to Agency safeguards. These are listed in Annex 1. The following commentary summarizes the progress made to date in the implementation of those Principles and Objectives.

## III. IMPLEMENTATION OF THE 1995 CONFERENCE PRINCIPLES AND OBJECTIVES REGARDING IAEA SAFEGUARDS

### A. IAEA as Competent Safeguards Authority

31. The IAEA has continued to function as the competent authority to verify and assure, in accordance with its Statute and its safeguards system, compliance with the safeguards agreements with States Parties in fulfilment of their obligations under Article III.1 of the Treaty.

### B. Progress in the Entry into Force of Safeguards Agreements pursuant to the NPT

32. Annex 2 gives details about increases in the number of safeguards agreements in force with the Agency. Since 1 January 1995, 28 States Parties to the Treaty have brought into force safeguards agreements which satisfy the requirements of the NPT, bringing the total number of States with NPT safeguards agreements in force to 127 as of 1 January 2000. There are still 55 States Parties which have not yet met their obligation under the NPT to conclude a comprehensive safeguards agreement. None of them will have met the Article III.4 obligation for the entry into force of the required agreement within 18 months of becoming a Party to the NPT.

33. Annex 3 to this paper shows lists of States which have NPT safeguards agreements in force with the Agency, and States whose safeguards agreements have still not entered into force, despite promptings by the Agency.

### C. Strengthening the Effectiveness of IAEA Safeguards

#### 1. Measures within the Authority Conferred by Safeguards Agreements

34. Based on courses of action endorsed by the Board of Governors in 1992 and 1995, the Agency has conducted the following activities to strengthen its safeguards system consistent with the legal authority provided under INFCIRC/153.

*Increased Access to Information from States*

35. As described in paragraph 22 above, the strengthening measures introduced by the Agency prior to the 1995 Conference included: the early reporting of design information for new facilities and for modifications to existing facilities; simplified inspector designation procedures; and voluntary reporting of nuclear exports and imports and of specified non-nuclear material and equipment. To date, 44 of 49 States have responded and provided relevant information on new and modified facilities, and for these States Subsidiary Arrangements to safeguards agreements have been amended accordingly. Apart from the 8 States for which an Additional Protocol is in force, 27 States have agreed to simplified inspector designation procedures and 41 States and the European Atomic Energy Community (EURATOM) have contributed to the voluntarily reporting on imports and exports of nuclear material, and of certain specified equipment and non-nuclear material used in nuclear applications.

36. In response to Agency requests, 37 States have provided information on facilities and locations outside facilities that were closed down or decommissioned prior to entry into force of their safeguards agreements.

37. Descriptions of the nuclear fuel cycle, and other activities involving nuclear material have been received from 40 States. In cases where the relevant information has been provided, the IAEA has obtained greater clarity about the relevant States' nuclear programmes. This has facilitated the planning of verification activities and the subsequent interpretation of the results.

### *Environmental Sampling*

38. Since the 1995 Conference and in the context of gathering further information about a State's nuclear activities, the Agency has carried out initial *environmental sampling*, to serve as a reference point for subsequent routine sampling at 12 of the 14 enrichment plants under safeguards. The analytical results of the samples taken gave technical indications of the nuclear activities performed at the relevant facilities, thus contributing significantly to the Agency's confidence about the absence of undeclared production of high enriched uranium at these facilities. The Agency has also carried out (up to the end of 1999) initial environmental sampling at 77 research installations with large hot cells in 40 States. For hot cells, environmental sampling results may confirm the declared activities, thereby providing increased assurance of the absence of undeclared activities, including undeclared reprocessing operations or ongoing operations in shut-down facilities.

### *Information about State Systems of Accounting and Control (SSAC)*

39. Since 1995, the Agency requested States and other Parties to comprehensive safeguards agreements to provide information about: their State Systems of Accounting and Control (SSAC); closed-down and decommissioned facilities and locations outside facilities; their nuclear fuel cycle activities involving nuclear material; and planned nuclear facilities.

40. The Agency has received the SSAC information it had requested from most States with significant nuclear activities, from EURATOM and from the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC). This information provides a basis for enhanced co-operation that could, inter alia, improve IAEA safeguards efficiency while preserving the requirement for the Agency to be able to draw its own, independent safeguards conclusions.

41. Based on the information provided by them, the Agency has started discussions with States and regional systems to identify areas where co-operation could be enhanced, taking into account the characteristics of the specific SSAC or regional system. Potential areas of enhanced co-operation are: (1) common safeguards training for IAEA and SSAC personnel; (2) joint safeguards equipment research, development and procurement; (3) common use of safeguards equipment by the IAEA and the relevant SSAC; and (4) the joint conduct of selected inspections.

### *Improved Analysis of Information*

42. A system for the collection of information from open sources has been established by the Agency to supplement the safeguards information available within the IAEA Secretariat about States' nuclear and nuclear-related activities. Information from open sources contributes significantly to the knowledge about a State's nuclear programme and enhances the Agency's ability to verify that States declarations are correct and complete. The specialized software which is necessary to retrieve and handle the large amount of information available from open sources is available and in regular use.

43. As a corollary to its efforts to obtain further information about a State's nuclear activities and plans, the Agency has been seeking to enhance its capability to evaluate effectively that information. In 1996, an Information Review Committee, involving senior Agency management, was established to oversee the evaluation of information for each State. In 1997, the Agency began regular evaluations of all information available to it about States' nuclear programmes. These evaluations were followed up, where necessary, to clarify States' nuclear programmes and plans. The reviews are more comprehensive in cases where the State in question has not only concluded a safeguards agreement with the Agency, but has also an Additional Protocol in force, and has accordingly submitted the information required under the Protocol.

### *Short Notice Inspections*

44. The Agency has been seeking to expand the use of its right under safeguards agreements to conduct a portion of routine inspections "without advance notification" i.e. at short notice. This is being developed in conjunction with Member States. Field tests have demonstrated the feasibility of such arrangements for verifying nuclear material flow. It is anticipated that recourse to such inspections could contribute towards eventual reduction in other safeguards activities in the field.

### *Advances in Safeguards Technology*

45. The Agency has introduced the use of advanced technology in measurement and surveillance equipment, thereby improving safeguards effectiveness and efficiency. When the new equipment is operated in an unattended mode, it should be possible to reduce the frequency of inspections. Additionally, having completed field testing of new digital surveillance systems, the Agency has started replacing the older, analogue systems which have been shown to be less reliable and which require greater maintenance. By the end of 1999, 118 digital systems were in operation. In addition, in the Member States of EURATOM, 77 digital surveillance systems had been installed by the European Commission for joint use with the Agency.

46. Progress has been made in introducing the remote transmission of safeguards data. A number of successful field trials demonstrated the feasibility of monitoring certain safeguards relevant operations by remote means. By the end of 1999, remote monitoring was being implemented at 8 facilities in 5 States. The continued rate of implementation will depend on the availability of the necessary resources and on the cost-effectiveness of the remote monitoring, which depends on such factors as the type of facility, the verification approach and the location of the particular facility.

### 2. Progress with regard to Additional Protocols

47. As noted in paragraphs 24 to 28 above, the basis for strengthening the IAEA safeguards system, particularly with regard to the Agency's ability to detect undeclared nuclear material and activities, was laid by the Board of Governors approval of the Model Additional Protocol in May 1997.

48. The IAEA Secretariat has been seeking since then to urge all States to conclude Protocols Additional to their respective safeguards agreements. This would be a further manifestation of their nuclear non-proliferation commitments and more importantly would enable the Agency to implement fully its obligations under Article III. As of 1 January 2000, the Board of Governors had approved Additional Protocols with 46 States Parties, including the 15 Member States of the European Union. Of these, 8 had entered into force[2] and a further one was being applied provisionally[3] (see Annex 4). Consultations are proceeding with a number of other States. In this regard, it is disappointing that, despite frequent calls upon them to do so, fewer than one third of the States Party to the NPT have responded to the calls of the Board of Governors on strengthening safeguards with regard to the conclusion of Additional Protocols.

49. As previously stated, Additional Protocols build on other, key strengthening measures by further increasing Agency access to information about States' nuclear and nuclear fuel cycle related activities and also by making provision for increased access to locations in States where nuclear material could be present. Where a State has both a safeguards agreement and an Additional Protocol in force, it provides for the optimum combination of measures through which the Agency can provide enhanced assurance of both the non-diversion of nuclear material and of the absence of undeclared nuclear material and activities.

50. As a starting point, a State is required to submit information under Article 2 of its Additional Protocol and periodic updates of that information as prescribed in Article 3. These "expanded declarations" seek information, additional to that already given under the safeguards agreement, in order to achieve as complete a picture as is practicable about the State's nuclear material and programmes. The document contains provisions which enable the Agency to request subsequent amplifications or clarifications to the information provided. Additionally, if other sources of information available to the Agency appear to be at variance with the State's declarations, the Agency may seek additional information and/or request "complementary access" to the relevant location(s) in the State to help resolve any question or inconsistency which it has identified and has brought to the attention of the State. States are entitled to receive advance notice of all complementary access visits as specified in the Additional Protocol.

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[2] Australia, Holy See, Indonesia, Japan, Jordan, Monaco, New Zealand, Uzbekistan

[3] Ghana

51. By 31 December 1999, the Agency had received information pursuant to Article 2 from 6 States with Additional Protocols in force.

52. The safeguards development programme initially known as "Programme 93+2" was conceived against the backdrop of undeclared nuclear activities in a State with a comprehensive safeguards agreement with the IAEA. It was nevertheless recognized early on in the Programme that the implementation of certain safeguards strengthening measures in other States (i.e. the NWSs and those States with item-specific safeguards agreements[4]) could (1) enhance the effectiveness of safeguards implementation in States with a comprehensive safeguards agreement; and also (2) improve the effectiveness and efficiency of the safeguards implementation in NWSs and in "INFCIRC/66" States themselves. This is why the Foreword to that document requests the Director General to negotiate Additional Protocols with other States that are prepared to accept measures provided for in the Model document so as to contribute to the safeguards effectiveness and efficiency aims of the Protocol.

53. Each of the NWSs indicated, during the 15 May 1997 special meeting of the Board of Governors, which of the measures in the model text it was prepared to accept. The Board, and the open-ended Committee of the Board that negotiated the Model document, expressed their expectation that adoption of the Additional Protocol in States with comprehensive safeguards agreements (the Additional Protocol in its entirety) and in States having non-comprehensive safeguards agreements (selected measures) would maintain "a certain degree of parallelism". Additional Protocols with four of the NWSs Parties to the Treaty[5] and with one "INFCIRC/66-State"[6] have been signed.

## D. Nuclear Fissile Material transferred from Military Use to Peaceful Nuclear Activities

54. The 1995 "Principles and Objectives", inter alia, called for nuclear fissile material transferred from military use to peaceful nuclear activities to be placed under IAEA safeguards as soon as practicable in the framework of the Voluntary Offer safeguards agreements in place in the NWSs. Following the decision of the United States of America, first promulgated in September 1993, to submit nuclear material deemed not to be needed for military programmes to Agency safeguards, the Agency was requested to begin verification of 10 tonnes of stored highly enriched uranium at one facility in the USA. The amount of material placed under safeguards has now increased and includes plutonium at two additional storage facilities. In addition, the Agency has started the verification of the down-blending of some 50 tonnes of excess highly enriched uranium in the USA.

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[4] Safeguards agreements concluded on the basis of Agency document INFCIRC/66 Rev. 2 with States which have not undertaken any comprehensive non-proliferation commitments. Such agreements specify the specific material/items to be safeguarded.

[5] China, France, United States of America, United Kingdom. An Additional Protocol with the Russian Federation is expected to be submitted to the Board of Governors shortly.

[6] Cuba

55. In September 1996, the United States of America and the Russian Federation launched a joint initiative concerning Agency verification of weapon-origin fissile material in the USA and the Russian Federation. A new verification system was considered to be necessary to ensure that fissile material submitted for verification is irrevocably removed from nuclear weapons programmes, and to take account of special characteristics of material submitted. Over the past three and half years, the three Parties have been addressing the various technical, legal and financial issues involved. Work is continuing on the preparation of a model verification agreement and on verification arrangements. These arrangements must enable the Agency to verify nuclear material while not disclosing any information that would be in violation of the relevant States' obligations under Article I of the NPT.

56. Over and above these developments, the United Kingdom has unilaterally reduced its nuclear forces and has released significant fissile material inventories from military use. These fissile materials are now subject to EURATOM safeguards, and are also eligible for submission to IAEA safeguards under the United Kingdom's Voluntary Offer Safeguards Agreement.

### F. IAEA Resources to Meet its Safeguards Responsibilities

57. Past NPT Conferences, including the 1995 Conference, have recognized the need for the IAEA to be provided with the necessary financial and human resources "to ensure that the Agency is able to meet effectively its responsibilities". Notwithstanding, despite the increase in the amount of nuclear material placed under IAEA safeguards, and in the number and complexity of facilities to be safeguarded, IAEA Member States have applied a policy of zero real growth to the IAEA's budget, which has shown only minuscule increases in limited areas since 1985. Insofar as safeguards are concerned, Member States have supplemented these resources with voluntary contributions in the form of expertise, equipment and analytical services. In the projected budget for 2001, over 20% of the full cost of the safeguards programme lies outside of the regular budget. The Agency's reliance on extrabudgetary funds makes planning increasingly difficult and limits the ability to prioritize work in an efficient and effective manner. Further details on workload and resources are presented in Section VI below.

## IV. OTHER ASPECTS OF IAEA SAFEGUARDS SINCE 1995

### A. Iraq

58. In 1991, following the discovery of Iraq's clandestine enrichment and nuclear weapons programmes, the United Nations Security Council adopted Resolutions 687, 707 and 715. Collectively, these resolutions call, inter alia, for Iraq unconditionally to agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General of the United Nations and to the Director General of the IAEA a declaration of the locations, amounts, and types of all of the items specified; to halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes; to place all of its nuclear-weapons-usable material under the exclusive control of the IAEA, for custody and removal; and to accept

on-site inspection and the destruction, removal or rendering harmless, as appropriate, of all specified items and materials.

59. The Security Council approved the plans, developed by the Director General, to carry out these steps, including the plan for the Ongoing Monitoring and Verification of Iraq's compliance with the above.

60. Details about Agency activities in Iraq up to the time of the 1995 NPT Review and Extension Conference were given in the Background Paper in NPT/CONF.1995/7. By September 1994, major elements of the IAEA's Ongoing Monitoring and Verification plan had been set in place, including continuous Agency presence in Iraq. Monitoring activities included short notice inspections, environmental sampling, remote surveillance, as well as the constant follow-up on the clarification of remaining questions and concerns. An export-import monitoring system was also approved by the Security Council in Resolution 1051.

61. As a result of the IAEA inspection activities, a technically coherent picture of Iraq's clandestine nuclear programme has evolved - a programme aimed at the production of an arsenal of nuclear weapons, based on implosion technology. A detailed description of the Agency's achievements and Iraq's past programme is provided in the report of the Director General of the IAEA to the Security Council in October 1997 (S/1997/77).

62. The Agency activities relevant to the UN Security Council resolutions in Iraq have been suspended since the withdrawal of Agency personnel from Iraq on 16 December 1998. Some restrictions of rights imposed by Iraq to the Agency teams in 1998, like the denial of access to any sites other than those for which Iraq routinely provides declarations implied a significant decrease of the level of assurance that the Agency could provide to the international community. Since 16 December 1998, the Agency has not been able to implement its mandate in Iraq and, as a consequence, to provide any assurance that Iraq is in compliance with its obligations under the relevant resolutions.

63. UN Security Council Resolution 1284, adopted in December 1999, confirms the mandate of the Agency as defined by the previous resolutions. However, as of February 2000, the Agency has not yet been able to resume its related activities in Iraq.

64. During the time the IAEA was able to perform its mandate in Iraq pursuant to the above Security Council resolutions, the activities to be carried out by it in Iraq under the NPT safeguards agreements were subsumed under the more comprehensive and intrusive activities pursuant to the Security Council resolutions. In view of its inability to carry out Security Council-related activities since December 1998 and given its dual legal obligations pursuant to the NPT safeguards agreement, the Agency carried out an inspection in Iraq, in accordance with the NPT safeguards agreement, in January 2000 on the inventory of nuclear material remaining in the country.

### B. Democratic People's Republic of Korea (DPRK)

65. The Agency remains unable to verify the correctness and completeness of the initial declaration of the DPRK of its nuclear material subject to safeguards and accordingly cannot provide any assurance about non-diversion. The DPRK remains in non-compliance with its safeguards agreement, and accepts the Agency activities solely within the context

of the Agreed Framework concluded between the United States of America and the DPRK in October 1994.

66. The Background Paper NPT/CONF.1995/7 described the Agency's activities in the DPRK up to January 1995. Since that time, the Agency has continued monitoring of the freeze and is maintaining a continuous inspector presence in the Nyongbyong area.

67. During 1996 the canning of the spent fuel rods which had been discharged from the DPRK's 5 MW(e) Experimental Nuclear Power Reactor in May 1994 was begun, without the safeguards measures requested by the IAEA in accordance with the DPRK's Safeguards Agreement. The Agency has not been allowed by the DPRK to make the required measurements of these rods. After some delays, the canning operations are nearing completion.

68. From 1995 to 1999, progress was made with regard to some safeguards measures required by the Agency but not others. For example, the DPRK agreed to more inspector designations, to arrangements for improved communication between Agency headquarters and inspectors, to the replacement of surveillance systems with digital surveillance, and to the installation of a monitoring system at one part of the DPRK's Radiochemical Laboratory (Reprocessing Plant). However, despite thirteen rounds of technical consultations between the Agency and the DPRK since 1994, no progress has been made on certain key issues, in particular the preservation of the information needed to enable the Agency to verify the DPRK's initial declaration of its nuclear material and facilities subject to safeguards. Other issues have also remained unresolved. For example, the DPRK has refused to allow the Agency to install equipment to monitor liquid nuclear wastes at the reprocessing plant to ensure that there is no movement or processing of such wastes. The DPRK has also declined to let the Agency conduct environmental sampling at any sites, including those facilities at which routine inspections are taking place. The DPRK continues to link the extent of its co-operation with the Agency to progress in the implementation of the Agreed Framework between the DPRK and the United States of America.

### C. Nuclear-Weapon-Free Zones

69. Article VII of the NPT provides that, "Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories." Regional arrangements are a means through which confidence in and between the States of a specific region can be established and nurtured.

70. The 1995 Conference reaffirmed the conclusion that the establishment of internationally recognized nuclear-weapon-free zones (NWFZs), on the basis of arrangements freely arrived at among States of the region concerned, enhances global and regional peace and security. It encouraged, as a matter of priority, the development of further NWFZs by the year 2000, taking into account the characteristics of each region, and made clear that the co-operation of all the nuclear-weapon States and their support for the relevant protocols were necessary for the maximum effectiveness of NWFZs.

71. Document NPT/CONF.1995/7 noted that the treaty-based NWFZs then established or currently under negotiation provide for verification arrangements closely linked with safeguards implementation pursuant to the NPT. That situation continues to pertain.

72. Developments since the 1995 NPT Review and Extension Conference have resulted in the following situation with regard to States Party to regional nuclear-weapon-free zone agreements. Comprehensive safeguards agreements are in force with 31 of the 32 contracting States Party to the *Treaty for the Prohibition of Nuclear Weapons in Latin America* (the "Treaty of Tlatelolco"). All 11 States which are contracting Parties to the *South Pacific Nuclear Free Zone Treaty* (the "Treaty of Rarotonga") have met its requirement to bring into force comprehensive safeguards agreements which are pursuant to the NPT or equivalent in scope and effect. The *Treaty on the Southeast Asia Nuclear-Weapon-Free Zone* (the "Treaty of Bangkok") entered into force on 27 March 1997. Eight of the 10 contracting States Party to the Treaty of Bangkok have brought into force comprehensive safeguards agreements pursuant to the requirements of the treaty. The *African Nuclear-Weapons Free-Zone Treaty* (the "Pelindaba Treaty"), which was opened for signature on 11 April 1996 but has not yet entered in force, also requires States Party to bring into force comprehensive safeguards agreements. Six of the 8 States that have ratified the Pelindaba Treaty have comprehensive safeguards agreements in force. Negotiations among 5 States of the Central Asian region on a *Central Asian Nuclear-Weapon-Free Zone Treaty* began in 1997.

## D. The Middle East

73. The 1995 NPT Conference, inter alia, adopted resolution NPT/CONF.1995/32/RES/1 which, inter alia:

> "Notes with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in paragraph VI/3 of the report of Main Committee III urging those non-Parties to the Treaty which operate unsafeguarded nuclear facilities to accept full scope International Atomic Energy Agency safeguards" and
>
> "Calls upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective."

74. Every year since the 1995 Conference, the IAEA General Conference has, in its turn, affirmed the need for all States in the Middle East to accept the application of full-scope safeguards to all their nuclear facilities[7] and called upon all Parties directly concerned to consider seriously taking the practical and appropriate steps required to establish a mutually

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[7] At present, with the exception of Israel, all States of the region have accepted comprehensive safeguards by virtue of being Party to the NPT. Some of these States, however, have not yet concluded the required safeguards agreement. Israel has accepted only an item-specific ("INFCIRC/66") safeguards agreement on one nuclear facility.

and effectively verifiable NWFZ in the region of the Middle East. In the latter connection, and in response to a request of the 1997 General Conference, the Agency held a third workshop on safeguards, verification technologies and other related experience in May 1998, with the aim of helping further to clarify, especially for States of the Middle East region, the choices, options and verification modalities which could feature in an eventual Middle East NWFZ agreement.

75. Since that time, the Director General of the Agency has continued his consultations with the countries in the Middle East, as requested by successive IAEA General Conferences, regarding general and specific aspects of the application of comprehensive safeguards to all nuclear facilities in the Middle East and to the preparation of model agreements relating to the verification of compliance with a future Middle East NWFZ Treaty. In this regard, in May 1999, the Director General wrote to the Foreign Ministers of States of the Middle East region seeking their views, in particular, on practical steps to foster a climate of confidence which could lead to the application of safeguards on all nuclear facilities in the region. He also sought their views on the geographical limitations of a future Middle East NWFZ and on the commitments which different groups of States might undertake within such a zone.

## E. Nuclear Material Security

### 1. Illicit Trafficking in Nuclear Material

76. As stated in document NPT/CONF.1995/7, cases of illicit trafficking in nuclear materials have alarmed the international community for a number of years and are of particular concern to the Agency where the nuclear material involved is of safeguards relevance. States' concerns about the trafficking problem led to the adoption of a resolution, at the IAEA General Conference in September 1994, which called upon Member States "to take all necessary measures to prevent illicit trafficking in nuclear material" and invited the Director General "to intensify the IAEA's activities through which the Agency is currently supporting Member States in this area" and to prepare proposals for additional activities.

77. In March 1995, the Board approved proposals by the Director General for a programme to assist States in their efforts to prevent, detect and respond to illicit trafficking in nuclear materials and other radioactive sources. Building on earlier work within the Agency, the programme included the development of a reliable database of information on incidents of illicit trafficking, to help assist States combat trafficking and in order better to inform the public. The Agency's database became fully functional in 1997. In 1998, the Illicit Trafficking Database Programme was reviewed, improvements made and parameters were agreed for maintaining the confidentiality of the information reported.

78. As of 1 January 2000, 67 States were participating in the database programme. The database contains information on illicit trafficking incidents in chronological order, including, inter alia, measurement results and law enforcement actions. Periodically the Agency distributes summary reports to participating States. To date, the database contains details of some 369 trafficking incidents, 284 of which have been confirmed by States. Most of the incidents reported have involved low enriched, natural or depleted uranium and radioactive sources but some cases have involved limited quantities of highly enriched uranium or plutonium. Nuclear material recovered in trafficking is placed under Agency

safeguards. The continued reporting of trafficking bears witness to the fact that there continue to be deficiencies in the control of nuclear and other radioactive materials.

### 2. Physical Protection

79. At the 1995 NPT Conference, States Parties to the Treaty noted the paramount importance of effective physical protection of nuclear material and of observing guidelines and standards in this area.

80. In 1998, the IAEA Secretariat and 35 Member States completed a review of the recommendations for the physical protection of nuclear material elaborated under IAEA auspices[8]. These recommendations are widely accepted as the international standards for physical protection. The review resulted in strengthened recommendations for the protection of nuclear material in transport, use and storage and for the protection of nuclear facilities against the threat of sabotage. The Agency is carrying out a programme to help States implement these recommendations. It includes staff training in implementing nuclear material control and physical protection and providing technological support for the upgrading of physical protection in several States.

81. Since 1995, the Secretariat has been organizing, upon request, International Physical Protection Advisory Service (IPPAS) missions to review States' physical protection systems, assess whether they meet international standards, and make suggestions for improvement where necessary. These missions have provided a mechanism through which the Agency can convey information about needs of assistance to States willing to provide it. To date, IPPAS missions have been dispatched to 8 States.

82. In 1997 the Agency convened a Conference on the Physical Protection of Nuclear Material: Experience in Regulation, Implementation and Operation. Key points arising in the presentations and discussions included: (a) the continuing need to review and upgrade elements of physical protection systems, particularly the security of old facilities; (b) the desirability of using, where practical, the advanced technologies becoming available; and (c) the need to continue bilateral and multilateral exchanges of experience and information.

83. There are now 64 Parties to the Convention on the Physical Protection of Nuclear Material, 10 States having become Parties thereto since the 1995 Conference. In November 1999, as requested by some States Party to the Convention, the Director General convened an informal, open-ended expert meeting to discuss whether there is a need to revise the Convention. The meeting decided that a more detailed examination of a number of issues (e.g. nature, scale and implications for physical protection, of illicit trafficking) was needed prior to any conclusions being drawn about the need to revise the Convention. The expert meeting is to complete its deliberations, and report thereon to the Director General by mid-2001.

## F. The Proliferation Potential of Neptunium and Americium

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[8] The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4.)

84. As a result of the increased awareness of the proliferation potential of neptunium (Np) and americium (Am), and emerging projects in peaceful nuclear programmes which could result in an increase in the available quantities of separated Np and Am, the Director General submitted a document on the issue to the Board of Governors in November 1998. Article II of the NPT proscribes the use by NNWSs Party to the Treaty of any material to manufacture a nuclear weapon or other nuclear explosive device. Thus, the fact that Np, and with considerably greater difficulty, Am, if available in sufficient quantities in separated form, could be used to manufacture nuclear explosive devices, is relevant in the context of Article II and III of the Treaty, notwithstanding that neither Np nor Am are currently defined as "source or special fissionable material" in terms of Article XX of the Agency's Statute.

85. The Board considered the item at length at its meetings in December 1998, and March and June and finally September 1999. The options for action put forward by the Secretariat, comprised (1) amending Article XX of the IAEA Statute to include Np and Am in the definitions of "source or special fissionable material"; (2) implementing, with the voluntary co-operation of States, measures to monitor stocks of separated Np and Am and to institute certain technical measures known as "flow sheet verification" at relevant facilities with a view to be able to draw conclusions as to whether Np or Am were being separated; or (3) taking no action at this time. The Board concluded that designating Np and and/or Am as "nuclear material" would be premature, given the small amounts currently known to be available in separated form, and that doing nothing could undermine credibility of the safeguards system.

86. In September 1999 the Board decided to authorize the implementation of the second option for the monitoring of Np. By the end of 1999 the Agency had initiated an exchange of letters with relevant States to put the receipt of information about Np and the application of monitoring measures on an established footing. With regard to Am the Board concluded that at present there is practically no proliferation risk, but asked the Director General to report relevant developments as to the availability of the material and programmes in States which may lead to acquisition of such material.

## V. REVIEW, RESPONSIVENESS AND ASSESSMENT

### A. Safeguards Effectiveness

87. Previous NPT Conferences, including the 1995 Conference, have stressed the importance of strengthening the effectiveness of safeguards. Effectiveness in respect of declared nuclear material is represented, inter alia, by the extent to which inspection goals are attained as reported each year in the Agency's Safeguards Implementation Report (SIR). The Agency's Safeguards Criteria comprise an extensive set of inspection activities which, if performed successfully, can detect diversion should it occur. In instances of non-attainment of inspection goals, all relevant factors are carefully assessed as part of the process of drawing the overall annual safeguards conclusion.

88. As reported in document NPT/CONF.1995/7, since the first SIR was produced in 1977, inspection goal attainment for nuclear facilities has increased significantly compared

with the 17% in 1977. Between 1995 and 1998, there has been a further improvement in the goal attainment for nuclear facilities from 73% to 82%.

89. In keeping with the findings of previous NPT Conferences, the Agency continues to give priority to implementing safeguards on "unirradiated direct use" nuclear material, i.e. plutonium and highly enriched uranium from which nuclear weapons could readily be made. By 1998, the attainment of the quantity component of the inspection goal for such material had increased from 79 % in 1995 to 86 % of the facilities with such materials. This also reflects, inter alia, the considerable amount of work that the IAEA has undertaken to ensure the continuing effectiveness of safeguards at reprocessing facilities and at facilities for the storage and use of separated plutonium.

90. In the SIR for 1998, the Agency for the first time reported the limited results of Additional Protocol implementation. In time and with further experience in such implementation, conclusions reflected in the SIR will also address undeclared nuclear material and nuclear activities in the State as a whole, in addition to the non-diversion of nuclear material.

## B. Safeguards Efficiency

91. Efficiency is a measure of how well resources (staff, equipment, money) are used to fulfil the Agency's obligations in the implementation of safeguards, and is a matter of prime importance to States and to the Agency. Efficiency involves a variety of factors, some of which are beyond the Agency's control. Ongoing efforts with regard to integration of safeguards (see paragraphs 128-132) aim at a more effective system within available resources - thereby also a more efficient system.

92. One parameter that can be used to assess efficiency is the monetary cost of safeguards per significant quantity (SQ) of nuclear material. The Background Paper for the 1995 Conference made clear that this has fallen dramatically since 1981 when the cost to verify one SQ was US $2,200 In 1995 the cost was US $460 and in 1998 it was US $400. The reduction is due, in large part, to economies of scale.

## C. Responsiveness of Safeguards

93. NPT safeguards agreements impose a number of obligations on the IAEA which oblige it to respect the interests of the State. The final documents of NPT Review Conferences have reflected the importance that States attach to these requirements. In implementing safeguards the IAEA endeavours to satisfy the requirements and to adjust to new and changing circumstances. The following paragraphs summarize the responsiveness to key requirements.

### 1. Avoiding Undue Interference in States' Peaceful Nuclear Activities

94. IAEA safeguards procedures and practices allow a flexible implementation by adapting the specifics of safeguards activities to the particular circumstances of individual nuclear facilities, thereby meeting the requirements of comprehensive safeguards agreements to avoid hampering the economic and technological development of, and undue

interference in, the States' peaceful nuclear activities. This is also emphasized in the preamble to the Model Additional Protocol.

### 2. Protecting Commercial and Industrial Secrets and Other Confidential Information

95. NPT safeguards agreements require the IAEA to take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of safeguards agreements. The IAEA Statute obliges all staff to refrain from disclosing information coming to their knowledge through their official duties. The IAEA employment contract obliges Agency staff not to disclose such information, an obligation that does not lapse upon termination of employment.

96. Maintaining the confidentiality of information was a matter of great importance to the open-ended Committee of the Board of Governors which negotiated the Model Additional Protocol. Indeed, the document incorporates a specific requirement upon the Agency to maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge. A regime for handling and maintaining confidential information was approved by the Board in December 1997.

### 3. Principles for Recruitment of Staff

97. The IAEA continues to recruit and train its staff in accordance with the precepts of Article VII.D of its Statute which stipulate that the paramount consideration in the recruitment and employment of staff is to "secure employees of the highest standards of efficiency, technical competence and integrity. The importance attached to this has been emphasized in final documents of NPT Conferences.

98. The Statute also pays due regard, subject to the above consideration, to "the importance of recruiting the staff on as wide a geographical basis as possible". The Agency's Safeguards Traineeship Programme contributes towards broadening the geographical base for the recruitment of staff. Each course is an intensive training programme designed to increase the number of qualified candidates from developing countries for Professional safeguards posts. From courses held in 1996 and in 1999, seven trainees (out of twelve) are currently employed as IAEA safeguards inspectors. Other trainees have joined their home countries' SSACs, thereby also contributing to the effectiveness of the safeguards.

99. As of the end of 1999, 286 staff members had been approved by the Board of Governors as safeguards inspectors and inspection assistants. 41% of them were from developing countries. These inspectors and inspection assistants have been recruited from 70 countries, 46 of which are developing countries.

100. In order to maintain the highest professional standards of the safeguards staff, the IAEA carries out extensive inspector training. All inspectors are required to attend an Introductory Course on Agency Safeguards (ICAS). Further training courses include topical training, facility-related training and refresher training. Since 1995, specific training helps

to prepare inspectors for implementing safeguards strengthening measures such as environmental sampling and broad-based information analysis.

101. The IAEA also offers extensive training for Member State personnel in the areas of nuclear material control, accountancy and physical protection. During 1998 for example, such training involved 275 State personnel and a total of 1554 person-days of instruction.

### 4. Co-operation with State Systems of Accounting and Control (SSAC)

102. Comprehensive safeguards agreements call for co-operation between the IAEA and the States through their SSACs to facilitate the implementation of safeguards. Past NPT Conferences have recognized the importance of State and regional accounting and control systems to effective and efficient safeguards. Keenly aware of the value technically qualified SSACs, the Agency has, for many years, carried out programmes to assist States in the development and implementation of their SSACs, including through the provision of SSAC guidelines and of training courses for SSACs staff.

103. In 1992, a major initiative was taken to improve the efficiency and effectiveness of safeguards implementation in the European Union through new arrangements referred to as the New Partnership Approach (NPA). This was prompted, inter alia, by the desire of both the IAEA and of EURATOM to conserve resources and avoid unnecessary duplication of effort. As stated in the Background Paper for the 1995 NPT Conference, the procedures take into account the requirement of the IAEA to draw independent conclusions.

104. Significant reductions in the Agency's inspection effort have been obtained in the States of the European Union as a result of the NPA and from the shutdown of certain major facilities. Inspection procedures have been revised to avoid duplication, whilst concurrently maintaining IAEA independence. The NPA arrangements include joint use and development of equipment, training, the sharing of on-site analytical capabilities and co-operation during inspections.

105. Co-operation has also increased with the Brazilian-Argentine Agency for Accounting and Control of Nuclear Material (ABACC), resulting in improved efficiency of safeguards implementation. Further, enhanced co-operation is foreseen in a co-operation agreement concluded by the two organizations in 1998, joint procurement and use certain safeguards equipment, shared training and co-ordination of inspection work.

106. An important area of Agency co-operation with State and regional systems, and with facility operators, is the development, testing and implementation of new safeguards approaches and techniques. In recent years co-operation has focused on such issues as environmental sampling, remote monitoring, random inspections, new surveillance equipment and advanced Non Destructive Assay (NDA) equipment.

### 5. More Cost-effective Inspection Procedures

107. Comprehensive safeguards agreements call for the IAEA to take full account of technical developments in safeguards. The IAEA maintains an active programme, largely in co-operation with Member State Support Programmes, to develop new techniques and improved procedures. New procedures for short notice random inspection and the use of

advanced technology for safeguards equipment are examples of development efforts which are in response to the relevant provisions in safeguards agreements.

### 6. Concentration of Verification on Weapons-Usable-Nuclear Material

108. As stated before, inspection effort under comprehensive safeguards agreements concentrate on unirradiated plutonium and highly enriched uranium nuclear materials from which nuclear weapons could readily be made. The annual effort to verify one significant quantity (SQ) of unirradiated plutonium or HEU averaged 0.35 person-days of inspection (PDI), while verifying 1 SQ of irradiated nuclear material averaged 0.06 PDI (1998 figures). This much lower value for inspection effort devoted to irradiated nuclear material results from the fact that safeguards on such material can be based on item accountancy safeguards and on extensive use of containment and surveillance.

### 7. Increased Transparency of IAEA Safeguards

109. The Agency has responded to the calls during the 1995 NPT Conference to improve the transparency of the presentation of the results of IAEA safeguards activities so that information about the results can be made public while concurrently maintaining confidentiality. The Safeguards Implementation Report (SIR) remains the main vehicle through which safeguards results are presented to the IAEA Board of Governors and to Agency Member States. Since 1995, the information content of the SIR has been expanded considerably, and improvements made to make the information more readily comprehensible. An Executive Summary of the SIR, introduced in 1994, is now a regular feature and provides the public at large with more information about IAEA safeguards implementation. Additionally, starting in 1996, the IAEA introduced an Annex to the SIR which gives a summarized description of the main elements of IAEA safeguards. It is updated yearly, and has been developed specifically with a view to readers who might not be familiar with the precepts and procedures of safeguards implementation.

110. Information about the results of safeguards continues to be reflected in the annual safeguards statement. This is made available publicly through the IAEA Annual Report. The Agency continues to give priority to providing more comprehensive information to the general public and has identified a number of relevant areas with this in mind.

### 8. New and Complex Nuclear Facilities

111. A continuing challenge for the IAEA and Member States has been to prepare for and implement safeguards at new and increasingly complex nuclear facilities. Large commercial enrichment plants employing several different enrichment technologies, large-scale automated reprocessing plants and MOX fuel fabrication plants involving remote handling are examples of nuclear facilities that require extensive safeguards arrangements and where planning such arrangements at an early stage facilitates the subsequent implementation of safeguards.

112. A particular challenge in the next years is preparation for and the implementation of effective safeguards at - one or possibly two - large commercial reprocessing facilities. In this context, in 1997, the Agency established a project to plan, co-ordinate and integrate all the activities necessary to design and implement effective and efficient safeguards,

including the development of the safeguards approach for one reprocessing plant and for the planned, on-site analytical laboratory. The plan stipulates that extensive design information verification is carried out during the construction and commissioning phase and that infrastructure for the implementation of safeguards is established before operations commence. The implementation of safeguards at this complex type of facility will require substantial investment of staff and money. Significant support will be required from Member States.

### 9. Voluntary Offer Agreements (VOAs) with Nuclear-Weapon States

113. As stated in document NPT/CONF.1995/7 and in paragraph 18 above, NWSs Party to the NPT are not committed by Article III to conclude safeguards agreements with the IAEA. These States have, however, voluntarily offered parts or all or their civilian nuclear fuel cycles for safeguards by the Agency. VOAs have been concluded with each of the five NWSs[9].

114. Universality with regard to the implementation of Agency safeguards in States has been a focus of past NPT Review Conferences. As noted in paragraph 53 above, China, France, the United Kingdom and the United States of America have negotiated and signed Additional Protocols to their respective VOAs.[10]

## VI. SAFEGUARDS WORKLOAD AND RESOURCES

### A. Workload

115. Since 1995, the number of nuclear facilities and locations outside facilities under safeguards has increased from 885 to 897. They include new power reactors, and facilities for fuel fabrication, uranium enrichment and storage. The number of facilities which were inspected at least once a year increased by 6 %. This reflects the growth in the Agency's overall safeguards work load.

116. Much greater increases have occurred in the quantities of nuclear material under safeguards (Figure 1). The increase which has had the greatest impact on the safeguards work load is in separated plutonium. Since 1995, the quantities of unirradiated plutonium (outside reactor cores) and highly enriched uranium increased about 35%. Material in this "direct use" category requires the most intensive safeguards. Forecasts show no abatement in the projected increases of plutonium and highly enriched uranium quantities, which may well increase further as more reprocessing plants come on stream and, possibly, as additional nuclear material declared excess to military requirements comes under safeguards.

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[9] Between the IAEA and the United Kingdom (1978), the United States (1980), France (1981), the former Soviet Union, now the Russian Federation (1985) and the People's Republic of China (1989).

[10] A draft Additional Protocol for the Russian Federation is expected to be submitted to the Board of Governors for approval shortly.

117. The quantity of irradiated direct-use nuclear material (mostly plutonium) under safeguards has increased by 17% since 1995. The safeguards effort expanded on this is relatively insensitive to increases in total quantity for as long as the material remains in reactor storage ponds. However, as quantities of spent fuel increase, increasing amounts will be transferred to dry storage to which future access will be difficult. Consequently, the Agency will have to verify fuel transfers before the fuel arrives in dry storage. This is a cost-intensive process. During 1998, about 8% of total person-days of inspection were used to verify such transfers.

118. Increases have also occurred in the quantities of indirect-use material under safeguards, including low enriched uranium and source material, although to a lesser extent (2.4%). Increases in these materials do not impose any significant new verification burden.

## B. Resources

119. Past NPT Conferences have, inter alia, recognized the need for the IAEA to be provided with the necessary financial and human resources to ensure that the Agency is able to continue to meet its safeguards responsibilities effectively. Specifically, the 1995 Conference made clear that "Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities". Notwithstanding this, and despite increases in the overall amount of nuclear material under safeguards and in the number and the complexity of facilities to be safeguarded, paragraph 57 makes clear that IAEA Member States have continued to apply a policy of "zero real growth" to the IAEA's budget. A few times since 1985 the budget has increased minimally, but such limited resource adjustments cannot keep pace with the increasing work load.

120. Against this background, the Agency has become increasingly dependent on voluntary, extrabudgetary contributions from some of its Member States. Such contributions represented 17% of the total safeguards programme costs for 1998 and is projected to reach 20% in 2001. The Agency Secretariat has made clear to Member States that such heavy reliance on extrabudgetary funds is unsound.

121. Since extrabudgetary funding has been made available for, inter alia, the purchase of equipment, the Agency has been able to use a larger proportion of the regular budget to increase its staff (safeguards inspectors and other Professionals) to keep pace with the increasing workload. However, more than half of this increase was in temporary contracts.

122. The Agency has already made arrangements to carry out Voluntary Offer verification activities, funded by extrabudgetary resources, of nuclear material from the nuclear weapon programme in the United States of America. This was discussed in paragraph 54 above. Paragraph 55 describes the initiative that the USA and the Russian Federation launched in 1996 with the Agency, that would lead to a new verification approach for weapon-origin fissile material enabling the Agency to draw independent and credible conclusions, while ensuring that no classified information could be acquired by the inspectors. In the light of the budgetary situation described above, it is clear that new Agency activities in the area of weapon-origin fissile material will pose a challenge for the Agency, not only in technical terms, but also in terms of resource requirements. For that reason, the Director General presented a paper to the Board in June 1999, with options for financing Agency verification of activities that are related to nuclear arms control and reduction measures including the

option of a separate "Nuclear Arms Control and Reduction Verification Fund". One of the key considerations in the paper was that the funding mechanism needs to be predictable and reliable. The Board had an initial discussion on the subject and interesting proposals were put forward. The discussion is expected to continue when the verification tasks envisaged become more concrete.

### C. Workload and Resource Projections in the Near Term

123. The increase in the safeguards workload will continue during the next several years as new facilities come into operation and as States' Additional Protocols come into force. In the latter context, the evaluation of the initial declarations received from States under the Additional Protocol, and of other information available on their nuclear activities, will impose a significant burden but, at this particular juncture, it is impossible to quantify it precisely. In the long run, the Agency is committed to a programme of integrated safeguards, and to maintaining cost-neutrality. However, cost-analysis of new approaches to safeguards show that available resources will be insufficient for the increased workload in the short to medium term.

124. A conservative estimate indicates a need to increase IAEA resources under the regular budget, to ensure reliable funding for the new tasks, and decrease its dependency on extrabudgetary funding. In a few years time, it should be possible to take stock again. Later on, the picture with regard to some of the scenarios described above in this section, should also be clearer, as should be the impact upon resources of Additional Protocols, the integration of safeguards (see paragraphs 128-132), and other changes to the safeguards system.

## VII. SAFEGUARDS IN THE FUTURE

125. Previous NPT conferences have expressed or reaffirmed the conviction that IAEA safeguards play a key role in preventing nuclear proliferation. Through providing assurance that States are complying with their safeguards undertakings and by assisting States in demonstrating that compliance, safeguards promote further confidence among States and, as a fundamental element of the NPT, help to strengthen the collective security of the States Party to the Treaty. Parties have commended the IAEA on its implementation of safeguards pursuant to the NPT and urged the Agency to take full advantage of its rights.

126. NPT Conferences have also welcomed the significant contributions made by States Party to the Treaty in facilitating the application of IAEA safeguards and in supporting efforts to enhance the effectiveness and efficiency of safeguards. In this context, the conferences have recognized the critical importance of States continuing their political, technical and financial support for the safeguards system, including playing their full part in helping the IAEA to facilitate the most effective use of its verification resources.

127. The Agency must assume that all of the above considerations continue to apply. Such considerations include support for strengthened safeguards which represent maximum technical effectiveness and cost efficiency.

### A. The Integration of Safeguards

128. In the above context, the most important area of current and future work is that on integrating the traditional nuclear material verification activities with new strengthening measures. This is being given the highest priority. The aim is to optimize the combination of all the safeguards measures available to the Agency in order to meet the Agency's safeguards objectives with maximum effectiveness and efficiency on the basis of cost-neutrality. For example in States with a comprehensive safeguards agreement and an Additional Protocol in force, new measures aimed at improving the Agency's ability to provide assurance of the absence of undeclared nuclear material and activities in a State as a whole, in particular those contained in the Model Additional Protocol, may lead to the relaxation of certain traditional measures on less sensitive nuclear material. This may also lead to a reduction in the costs associated with such activities.

129. The Secretariat has elaborated plans and concepts for the development of integrated safeguards that, inter alia, reflect advice provided by the Director General's Standing Advisory Group on Safeguards Implementation (SAGSI) and also takes into account the results of consultants' and experts' meetings and Working Groups. The concept is based on achieving a comprehensive understanding of nuclear activities in States, with the goal of being able to draw safeguards conclusions about the completeness and correctness of States' declarations on nuclear materials and activities. The plan includes the development and evaluation of a generic State-level safeguards approach and its application to specific fuel cycles; a re-examination of some of the basic safeguards implementation parameters (such as timeliness and detection probabilities); an examination of the relative importance of various diversion scenarios; possibilities for further co-operation with State or regional systems of accounting and control of nuclear material; and the drawing, formulation, maintaining and reporting of safeguards conclusions for a State as a whole. The development programme, co-ordinated by the Department of Safeguards, is being undertaken within the Secretariat together with the assistance of a group of experts, with advice from SAGSI and with the help of a number of Member State Support Programmes.

130. The basic principles which govern consideration of the development of integrated safeguards are that:

(a) integrated safeguards must be non-discriminatory, i.e. although the measures used may be different, the same technical objective must be pursued in all States with the same safeguards obligations; and

(b) integrated safeguards should be based on State-wide considerations.

131. The commitment to cost neutrality remains a boundary condition in the development of integrated safeguards.

132. Full implementation of the measures contained in the Additional Protocol will provide the Agency with confidence about the absence of undeclared nuclear material and activities (both at declared locations and elsewhere in a State). Such confidence, reflected in its conclusions, is necessary to start the integration process with possible reduction in inspection effort. Such integration will take into account the synergy between the measures that can be implemented under the Additional Protocol and the traditional safeguards measures. By way of example, the diversion of declared irradiated fuel and the existence of an undeclared reprocessing plant are both part of the same potential path for the acquisition

of nuclear material. Measures to detect either activity contribute to the overall ability of detecting this particular acquisition path.

## B. Additional Developmental Work

133. The IAEA does not have the financial resources to carry out its own research and development programme in safeguards; rather it defines its needs, solicits Member State assistance, mostly through formal Member State programmes in support of IAEA safeguards, and oversees progress in development work. Towards these ends, the Agency maintains a Safeguards Development and Implementation Support Programme, that identifies needs for development and safeguards implementation support. The programme is revised every two years.

134. The development programme focuses on conceptual safeguards approaches, the implementation of safeguards at facilities, the development of equipment, and of computer software and on staff training. As can be inferred from paragraphs 128-132 above, an important adjunct is the extensive development effort being put into integrating INFCIRC/153(Corr.) and INFCIRC/540(Corr.) measures into a coherent whole. Field trials, in close co-operation with Member States, are a key feature of the programme.

135. An important part of the development programme has been a cost analysis of the various elements of safeguards implementation, as an indispensable basis for taking decisions with regard to safeguards integration. Cost estimates, with technical performance information, provide a basis for (1) identifying measures which can improve either the effectiveness or efficiency of safeguards and (2) determining the optimum combination of safeguards measures to be implemented within available resources.

## C. Action by the States Parties

136. Recognizing the emphasis placed by the NPT Conferences on the need for certain actions to be taken by NPT States to facilitate safeguards implementation by the IAEA, an assessment of some of these actions is presented in the following subsections:

### 1. The Conclusion of Safeguards Agreements and Additional Protocols

137. NNWS Parties of the NPT are obliged by Article III.4 of the Treaty to conclude a safeguards agreement with the IAEA within 18 months of becoming a Party to the Treaty. As mentioned in paragraph 32, 55 States have not yet met that obligation. The majority of them has never started that process. Even though most of the States involved, as far as it is known to the Agency, do not have nuclear material or activities, the Agency cannot fulfil its responsibilities under the Treaty adequately as long as Parties have not all concluded a safeguards agreement. It should be added that the Agency's ability to provide credible assurance not only about the non-diversion of declared nuclear material but also on the absence of undeclared nuclear material and activities rests crucially upon the conclusion of safeguards agreements, and on the conclusion of Additional Protocols with all Parties.

### 2. Financial and Technical Support: Member State Support Programmes for IAEA Safeguards

138. Some Member States continue to contribute substantially to the Agency's efforts through dedicated Support Programmes for Agency Safeguards, several of which were established long before the 1995 Conference. To date, 15 Member States[11] and EURATOM have established Support Programmes. In addition, a number of States contribute to safeguards through research and development agreements, contracts, test programmes and field trials.

139. Member States' support is guided by the Agency's Safeguards Development and Implementation Support Programme. Areas in which this support has, over the years, been of primary importance are the development and testing of conceptual safeguards approaches, equipment development and staff training. The financial resources expended by Member States in such activities are significant but difficult to assess. These resources include substantial, "in-kind" contributions.

### 3. Facilitating Safeguards Implementation

140. Over and above ensuring adequate political, technical and financial support for IAEA safeguards, there are a number of other measures which, if implemented by States, would be of considerable practical value. Some pertinent ones are set out below.

#### *Designation of Inspectors*

141. Past NPT Conferences have called upon States Parties to exercise their rights regarding IAEA inspector designation proposals in such a way as to facilitate the most effective use of safeguards manpower. Many States have co-operated in this respect but some States continue to impose restrictions by applying inspector quotas, insisting on reciprocity, being unwilling to accept inspectors of certain nationalities, and significantly delaying their response to inspector designation proposals.

142. That said, the overall situation has gradually improved. Only relatively few States now restrict the number of inspectors, and the number of States noted for long response times in responding to designation requests has been decreasing. Thus, factors such as these have affected the efficient implementation of safeguards in only a few States. It nevertheless remains that, in 1999 for example, some 25 States were taking more than one year to respond to inspector designation proposals and, in the case of seven States, responses to such proposals had been outstanding for more than three years. As of1 January 2000, simplified designation procedures had been accepted voluntarily by 27 States. This had helped to reduce the average time for States' acceptance of designations from 10 months in 1993 to 3 months at the end of 1999. The situation is expected to improve further as Additional Protocols enter into force. Additional Protocols provide for further, simplified and improved procedures for inspector designation as a matter of course.

#### *Visas*

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[11] Argentina, Australia, Belgium, Canada, Finland, France, Germany, Hungary, Indonesia, Japan, the Netherlands, Russian Federation, Sweden, the United Kingdom, the United States of America and EURATOM

143. The efficient use of human resources and inspection effort has continued to be adversely affected by restrictions placed by States on the entry of designated inspectors. In this regard, it is noteworthy that, short notice or no notice inspections, which are among the key elements of the strengthened safeguards regime, cannot be carried out when restrictive visa requirements are in place.

144. The basis on which individual States issue visas to Agency inspectors continues to vary considerably. Whereas some States are prepared to grant inspectors multiple-entry visas of limited duration, others insist on single entry visas. By the end of 1999, 27 States had agreed to provide designated inspectors with multiple-entry visas, 22 of them for a period of one year or more, and 30 States did not require inspectors to have visas. The entry into force of Additional Protocols which provide the issuance of one-year multiple entry and transit visas within one month of request will further stream line the process of issuing visas.

*Quality of States' Declarations under Additional Protocols*

145. The efficiency with which the Agency can discharge its obligations under Additional Protocols depends critically upon the quality of States' declarations pursuant to its Article 2 and the updates they are required to provide pursuant to its Article 3. The more accurate and comprehensive these declarations and updates, the higher the quality of the Agency's analysis, evaluation and assessment. As a result, less time will need to be spent in requesting clarifications and amplifications, on bringing questions or inconsistencies to the attention of a State, and, as a consequence, on complementary access activities. As stated, the IAEA has developed special guidelines and formats for declarations under the Additional Protocol and has also developed computer software to help in this regard, which it has made available to Member States at no cost.

## CONCLUSIONS

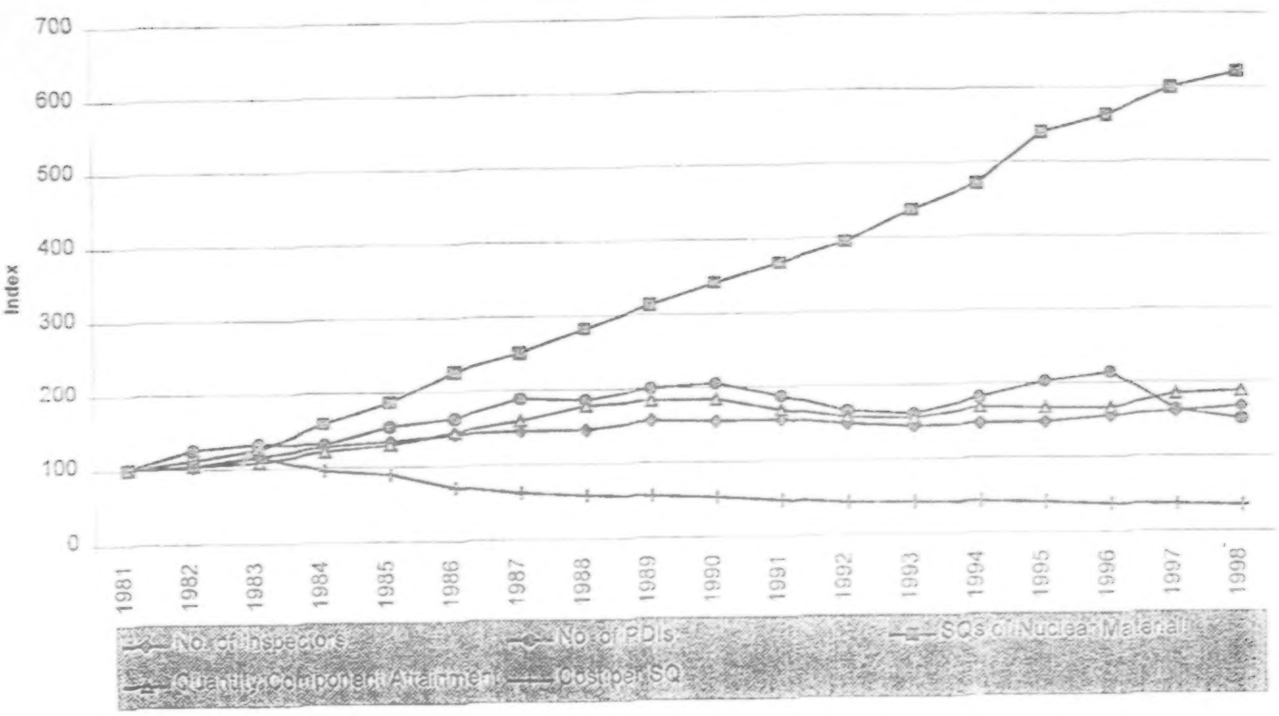
146. IAEA safeguards concepts, objectives, approaches and implementation have evolved progressively as a result of a mix of political evolutions and technological developments. Two of the major milestones in this evolution have been the entry into force of the NPT in 1970 and the decision to develop a strengthened safeguards system as a result of the experiences in Iraq. Substantial efforts and progress towards strengthening safeguards have been made since the 1995 Review and Extension Conference. They have focused in particular on enhancing the IAEA's capability to detect the existence of any undeclared nuclear material and activities, and on improving safeguards effectiveness whilst concurrently seeking to improve cost-efficiency.

147. A high point in the evolution of strengthening safeguards was the adoption of the Model Additional Protocol by the Board of Governors in May 1997, which provides for more information about a State's nuclear material and activities and greater access to locations at which nuclear material is or could be present. The strengthening process will gain ground as more and more States bring Additional Protocols into force. Much remains to be accomplished in this regard, starting with the entry into force of all outstanding comprehensive safeguards agreements and the conclusions of Additional Protocols by all non-nuclear-weapon States Party to the NPT.

148. The ultimate success of the collective safeguards strengthening efforts will depend, above all else, on the extent to which States Party to the NPT grant the IAEA the requisite authority, co-operation and resources to verify effectively and efficiently that States Party to the NPT are honouring their non-proliferation undertakings.

**Figure 1**

Figure 1. Agency Resources, Utilization and Results



## "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" as Relevant to IAEA Safeguards

*"6. The development of nuclear-weapon-free zones, especially in regions of tension such as in the Middle East, as well as the establishment of zones free of all weapons of mass destruction should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome."*

*"9. The IAEA is the competent authority responsible to verify and assure, in accordance with the statute of the IAEA and the Agency's safeguards system, compliance with its safeguards agreements with States Parties undertaken in fulfillment of their obligations under article III(1) of the Treaty, with a view of preventing diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the IAEA in this regard. States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States Parties should direct such concerns, along with supporting evidence and information, to the IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.*

*10. All States Parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.*

*11. IAEA safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of IAEA safeguards should be supported and implemented and the IAEA's capability to detect undeclared nuclear activities should be increased. Also States not Party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the IAEA.*

*12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear weapon States should require, as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.*

*13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved."*

*"19. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical co-operation, safeguards and nuclear safety."*

## Growth in the number of States having safeguards agreements in force with the Agency

| | 1975 | 1980 | 1985 | 1990 | 1995 | 1999 |
|---|---|---|---|---|---|---|
| Total number of States with safeguards agreements in force | 64 | 86 | 96 | 104 | 125 | 139 |
| Total number of States with NPT safeguards agreements in force* | 46 | 69 | 78 | 86 | 108 | 127 |
| Total number of safeguards agreements in force | 106 | 139 | 163 | 177 | 207 | 223 |
| Total number of NPT safeguards agreements in force* | 46 | 65 | 74 | 81 | 101 | 118 |

* The number of States with NPT safeguards agreements is higher than the number of NPT safeguards agreements, inter alia, because the NNWSs of the European Union have collectively one safeguards agreement.

## SITUATION ON 31 DECEMBER 1999 WITH RESPECT TO THE CONCLUSION OF SAFEGUARDS AGREEMENTS BETWEEN THE AGENCY AND NON-NUCLEAR-WEAPON STATES IN CONNECTION WITH NPT

| Non-nuclear-weapon States which have signed, ratified, acceded to or succeeded to NPT[a] (1) | Date of ratification, accession or succession[a] (2) | Safeguards agreement with the Agency (3) | INFCIRC (4) |
|---|---|---|---|
| Afghanistan | 4 February 1970 | In force: 20 February 1978 | 257 |
| Albania[b] | 12 September 1990 | | |
| Algeria | 12 January 1995 | In force: 7 January 1997 | 531 |
| Andorra | 7 June 1996 | | |
| Angola | 14 October 1996 | | |
| Antigua and Barbuda[c] | 27 November 1968 | In force: 9 September 1996 | 528 |
| Argentina[d] | 10 February 1995 | In force: 18 March 1997 | 435/Mod.1 |
| Armenia | 15 July 1993 | In force: 5 May 1994 | 455 |
| Australia | 23 January 1973 | In force: 10 July 1974 | 217 |
| Austria[e] | 27 June 1969 | Accession: 31 July 1996 | 193 |
| Azerbaijan | 22 September 1992 | In force: 29 April 1999 | 580 |
| Bahamas[c] | 10 July 1973 | In force: 12 September 1997 | 544 |
| Bahrain | 3 November 1988 | | |
| Bangladesh | 31 August 1979 | In force: 11 June 1982 | 301 |
| Barbados[c] | 21 February 1980 | In force: 14 August 1996 | 527 |
| Belarus | 22 July 1993 | In force: 2 August 1995 | 495 |
| Belgium | 2 May 1975 | In force: 21 February 1977 | 193 |
| Belize[f] | 9 August 1985 | In force: 21 January 1997 | 532 |
| Benin | 31 October 1972 | | |
| Bhutan | 23 May 1985 | In force: 24 October 1989 | 371 |
| Bolivia[c] | 26 May 1970 | In force: 6 February 1995 | 465 |
| Bosnia and Herzegovina[g] | 15 August 1994 | In force: 28 December 1973 | 204 |
| Botswana | 28 April 1969 | | |
| Brazil[h] | 18 September 1998 | In force: 20 September 1999 | 435/Mod.3 |
| Brunei Darussalam | 26 March 1985 | In force: 4 November 1987 | 365 |
| Bulgaria | 5 September 1969 | In force: 29 February 1972 | 178 |
| Burkina Faso | 3 March 1970 | | |
| Burundi | 19 March 1971 | | |
| Cambodia | 2 June 1972 | Signed: 17 December 1999 | |
| Cameroon | 8 January 1969 | Signed: 21 May 1992 | |
| Canada | 8 January 1969 | In force: 21 February 1972 | 164 |
| Cape Verde | 24 October 1979 | | |
| Central African Republic | 25 October 1970 | | |
| Chad | 10 March 1971 | | |
| Chile[i] | 25 May 1995 | In force: 9 September 1996 | 476/Mod.1 |
| Colombia[j] | 8 April 1986 | | |
| Comoros | 4 October 1995 | | |
| Congo | 23 October 1978 | | |
| Costa Rica[c] | 3 March 1970 | In force: 22 November 1979 | 278 |
| Côte d'Ivoire | 6 March 1973 | In force: 8 September 1983 | 309 |
| Croatia | 29 June 1992 | In force: 19 January 1995 | 463 |
| Cyprus | 10 February 1970 | In force: 26 January 1973 | 189 |
| Czech Republic[k] | 1 January 1993 | In force: 11 September 1997 | 541 |
| Democratic People's Republic of Korea | 12 December 1985 | In force: 10 April 1992 | 403 |
| Democratic Republic of the Congo | 4 August 1970 | In force: 9 November 1972 | 183 |
| Denmark[l] | 3 January 1969 | In force: 21 February 1977 | 193 |
| Djibouti | 16 October 1996 | | |
| Dominica[f] | 10 August 1984 | In force: 3 May 1996 | 513 |
| Dominican Republic[c] | 24 July 1971 | In force: 11 October 1973 | 201 |
| Ecuador[c] | 7 March 1969 | In force: 10 March 1975 | 231 |
| Egypt | 26 February 1981 | In force: 30 June 1982 | 302 |
| El Salvador[c] | 11 July 1972 | In force: 22 April 1975 | 232 |
| Equatorial Guinea | 1 November 1984 | Approved by the Board, June 1986 | |
| Eritrea | 16 March 1995 | | |
| Estonia | 7 January 1992 | In force: 24 November 1997 | 547 |
| Ethiopia | 5 February 1970 | In force: 2 December 1977 | 261 |

|  |  |  |  |
|---|---|---|---|
| Fiji | 14 July 1972 | In force: 22 March 1973 | 192 |
| Finland[m] | 5 February 1969 | Accession: 1 October 1995 | 193 |
| Gabon | 19 February 1974 | Signed: 3 December 1979 |  |
| Gambia | 12 May 1975 | In force: 8 August 1978 | 277 |
| Georgia | 7 March 1994 | Signed: 29 September 1997 |  |
| Germany[n] | 2 May 1975 | In force: 21 February 1977 | 193 |
| Ghana | 4 May 1970 | In force: 17 February 1975 | 226 |
| Greece[o] | 11 March 1970 | Accession: 17 December 1981 | 193 |
| Grenada[c] | 19 August 1974 | In force: 23 July 1996 | 525 |
| Guatemala[c] | 22 September 1970 | In force: 1 February 1982 | 299 |
| Guinea | 29 April 1985 |  |  |
| Guinea-Bissau | 20 August 1976 |  |  |
| Guyana[c] | 19 October 1993 | In force: 23 May 1997 | 543 |
| Haiti[c] | 2 June 1970 | Signed: 6 January 1975 |  |
| Holy See | 25 February 1971 | In force: 1 August 1972 | 187 |
| Honduras[c] | 16 May 1973 | In force: 18 April 1975 | 235 |
| Hungary | 27 May 1969 | In force: 30 March 1972 | 174 |
| Iceland | 18 July 1969 | In force: 16 October 1974 | 215 |
| Indonesia | 12 July 1979 | In force: 14 July 1980 | 283 |
| Iran, Islamic Republic of | 2 February 1970 | In force: 15 May 1974 | 214 |
| Iraq | 29 October 1969 | In force: 29 February 1972 | 172 |
| Ireland | 1 July 1968 | In force: 21 February 1977 | 193 |
| Italy | 2 May 1975 | In force: 21 February 1977 | 193 |
| Jamaica[c] | 5 March 1970 | In force: 6 November 1978 | 265 |
| Japan | 8 June 1976 | In force: 2 December 1977 | 255 |
| Jordan | 11 February 1970 | In force: 21 February 1978 | 258 |
| Kazakhstan | 14 February 1994 | In force: 11 August 1995 | 504 |
| Kenya | 11 June 1970 |  |  |
| Kiribati | 18 April 1985 | In force: 19 December 1990 | 390 |
| Korea, Republic of | 23 April 1975 | In force: 14 November 1975 | 236 |
| Kuwait | 17 November 1989 | Signed: 10 May 1999 |  |
| Kyrgyzstan | 5 July 1994 | Signed: 18 March 1998 |  |
| Lao People's Democratic Republic | 20 February 1970 | Signed: 22 November 1991 |  |
| Latvia | 31 January 1992 | In force: 21 December 1993 | 434 |
| Lebanon | 15 July 1970 | In force: 5 March 1973 | 191 |
| Lesotho | 20 May 1970 | In force: 12 June 1973 | 199 |
| Liberia | 5 March 1970 |  |  |
| Libyan Arab Jamahiriya | 26 May 1975 | In force: 8 July 1980 | 282 |
| Liechtenstein | 20 April 1978 | In force: 4 October 1979 | 275 |
| Lithuania | 23 September 1991 | In force: 15 October 1992 | 413 |
| Luxembourg | 2 May 1975 | In force: 21 February 1977 | 193 |
| Madagascar | 8 October 1970 | In force: 14 June 1973 | 200 |
| Malawi | 18 February 1986 | In force: 3 August 1992 | 409 |
| Malaysia | 5 March 1970 | In force: 29 February 1972 | 182 |
| Maldives | 7 April 1970 | In force: 2 October 1977 | 253 |
| Mali | 10 February 1970 |  |  |
| Malta | 6 February 1970 | In force: 13 November 1990 | 387 |
| Marshall Islands | 30 January 1995 |  |  |
| Mauritania | 26 October 1993 |  |  |
| Mauritius | 8 April 1969 | In force: 31 January 1973 | 190 |
| Mexico[c] | 21 January 1969 | In force: 14 September 1973 | 197 |
| Micronesia, Federated States of | 14 April 1995 |  |  |
| Monaco | 13 March 1995 | In force: 13 June 1996 | 524 |
| Mongolia | 14 May 1969 | In force: 5 September 1972 | 188 |
| Morocco | 27 November 1970 | In force: 18 February 1975 | 228 |
| Mozambique | 4 September 1990 |  |  |
| Myanmar | 2 December 1992 | In force: 20 April 1995 | 477 |
| Namibia | 2 October 1992 | In force: 15 April 1998 | 551 |
| Nauru | 7 June 1982 | In force: 13 April 1984 | 317 |
| Nepal | 5 January 1970 | In force: 22 June 1972 | 186 |
| Netherlands[p] | 2 May 1975 | In force: 21 February 1977 | 193 |
| New Zealand[q] | 10 September 1969 | In force: 29 February 1972 | 185 |
| Nicaragua[c] | 6 March 1973 | In force: 29 December 1976 | 246 |
| Niger | 9 October 1992 |  |  |
| Nigeria | 27 September 1968 | In force: 29 February 1988 | 358 |
| Norway | 5 February 1969 | In force: 1 March 1972 | 177 |
| Oman | 23 January 1997 | Approved by the Board |  |

20 September 1999

| | | | |
|---|---|---|---|
| Palau, Republic of | 14 April 1995 | | |
| Panama[c,f] | 13 January 1977 | Signed: 22 December 1988 | |
| Papua New Guinea | 13 January 1982 | In force: 13 October 1983 | 312 |
| Paraguay[c] | 4 February 1970 | In force: 20 March 1979 | 279 |
| Peru[c] | 3 March 1970 | In force: 1 August 1979 | 273 |
| Philippines | 5 October 1972 | In force: 16 October 1974 | 216 |
| Poland | 12 June 1969 | In force: 11 October 1972 | 179 |
| Portugal[d] | 15 December 1977 | Accession: 1 July 1986 | 193 |
| Qatar | 3 April 1989 | | |
| Republic of Moldova | 11 October 1994 | Signed: 14 June 1996 | |
| Romania | 4 February 1970 | In force: 27 October 1972 | 180 |
| Rwanda | 20 May 1975 | | |
| St. Kitts and Nevis[f] | 22 March 1993 | In force: 7 May 1996 | 514 |
| St. Lucia[f] | 28 December 1979 | In force: 2 February 1990 | 379 |
| St. Vincent and the Grenadines[f] | 6 November 1984 | In force: 8 January 1992 | 400 |
| Samoa | 17 March 1975 | In force: 22 January 1979 | 268 |
| San Marino | 10 August 1970 | In force: 21 September 1998 | 575 |
| São Tome and Principe | 20 July 1983 | | |
| Saudi Arabia | 3 October 1988 | | |
| Senegal | 17 December 1970 | In force: 14 January 1980 | 276 |
| Seychelles | 12 March 1985 | | |
| Sierra Leone | 26 February 1975 | Signed: 10 November 1977 | |
| Singapore | 10 March 1976 | In force: 18 October 1977 | 259 |
| Slovakia[f] | 1 January 1993 | In force: 3 March 1972 | 173 |
| Slovenia | 7 April 1992 | In force: 1 August 1997 | 538 |
| Solomon Islands | 17 June 1981 | In force: 17 June 1993 | 420 |
| Somalia | 5 March 1970 | | |
| South Africa | 10 July 1991 | In force: 16 September 1991 | 394 |
| Spain | 5 November 1987 | Accession: 5 April 1989 | 193 |
| Sri Lanka | 5 March 1979 | In force: 6 August 1984 | 320 |
| Sudan | 31 October 1973 | In force: 7 January 1977 | 245 |
| Suriname[c] | 30 June 1976 | In force: 2 February 1979 | 269 |
| Swaziland | 11 December 1969 | In force: 28 July 1975 | 227 |
| Sweden[d] | 9 January 1970 | Accession: 1 June 1995 | 193 |
| Switzerland | 9 March 1977 | In force: 6 September 1978 | 264 |
| Syrian Arab Republic | 24 September 1969 | In force: 18 May 1992 | 407 |
| Tajikistan | 17 January 1995 | | |
| Thailand | 7 December 1972 | In force: 16 May 1974 | 241 |
| The Former Yugoslav Republic of Macedonia | 30 March 1995 | | |
| Togo | 26 February 1970 | Signed: 29 November 1990 | |
| Tonga | 7 July 1971 | In force: 18 November 1993 | 426 |
| Trinidad and Tobago[c] | 30 October 1986 | In force: 4 November 1992 | 414 |
| Tunisia | 26 February 1970 | In force: 13 March 1990 | 381 |
| Turkey | 17 April 1980 | In force: 1 September 1981 | 295 |
| Turkmenistan | 29 September 1994 | | |
| Tuvalu | 19 January 1979 | In force: 15 March 1991 | 391 |
| Uganda | 20 October 1982 | | |
| Ukraine | 5 December 1994 | In force: 22 January 1998 | 550 |
| United Arab Emirates | 26 September 1995 | | |
| United Republic of Tanzania | 31 May 1991 | Signed: 26 August 1992 | |
| Uruguay[c] | 31 August 1970 | In force: 17 September 1976 | 157 |
| Uzbekistan | 7 May 1992 | In force: 8 October 1994 | 508 |
| Vanuatu | 24 August 1995 | | |
| Venezuela[c] | 25 September 1975 | In force: 11 March 1982 | 300 |
| Viet Nam | 14 June 1982 | In force: 23 February 1990 | 376 |
| Yemen, Republic of | 1 June 1979 | | |
| Yugoslavia[e], Federal Republic of | 4 March 1970 | In force: 28 December 1973 | 204 |
| Zambia | 15 May 1991 | In force: 22 September 1994 | 456 |
| Zimbabwe | 26 September 1991 | In force: 26 June 1995 | 483 |

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[a] The information in columns (1) and (2) was provided to the Agency by depositary governments of NPT, and an entry in column (1) does not imply the expression of any opinion on the part of the Secretariat concerning the legal status of any country or territory or of

its authorities, or concerning the delimitation of its frontiers. The table does not contain information relating to the participation of Taiwan, China, in NPT.

[b] A sui generis comprehensive safeguards agreement with Albania entered into force on 25 March 1988 (INFCIRC/359).

[c] The relevant safeguards agreement refers to both NPT and the Treaty of Tlatelolco.

[d] An exchange of letters has taken place between Argentina and the Agency confirming that the safeguards agreement concluded between Argentina, Brazil, ABACC and the Agency for the application of safeguards which entered into force on 4 March 1994 (INFCIRC/435) satisfies the requirements of Argentina under Article III of the NPT to conclude a safeguards agreement with the Agency. The exchange of letters entered into force on the date of approval by the Board of Governors.

[e] The application of safeguards in Austria under the NPT safeguards agreement INFCIRC/156, in force since 23 July 1972, was suspended on 31 July 1996, on which date the agreement of 5 April 1973 (INFCIRC/193) between the non-nuclear-weapon States of EURATOM, EURATOM and the Agency, to which Austria had acceded, entered into force for Austria.

[f] An exchange of letters has taken place between this State and the Agency confirming that the NPT safeguards agreement concluded with the State satisfies the obligations of the State under Article 13 of the Treaty of Tlatelolco to conclude a safeguards agreement with the Agency.

[g] The NPT safeguards agreement concluded with the Socialist Federal Republic of Yugoslavia (INFCIRC/204), which entered into force on 28 December 1973, continues to be applied in Bosnia and Herzegovina to the extent relevant to the territory of Bosnia and Herzegovina.

[h] The Board of Governors has concluded that the agreement between Argentina, Brazil, the ABACC and the Agency for the application of safeguards which entered into force on 4 March 1994 (INFCIRC/435) is compatible with the Treaty of Tlatelolco and the NPT.

[i] An exchange of letters has taken place between this State and the Agency confirming that the safeguards agreement concluded with the State pursuant to the Treaty of Tlatelolco satisfies the requirements of the obligations of the State under Article III of the NPT to conclude a safeguards agreement with the Agency. The exchange of letters entered into force on the date of approval by the Board of Governors.

[j] A comprehensive safeguards agreement with Colombia concluded pursuant to the Treaty of Tlatelolco entered into force on 22 December 1982 (INFCIRC/306).

[k] The NPT safeguards agreement concluded with the Czechoslovak Socialist Republic (INFCIRC/173), which entered into force on 3 March 1972, continued to be applied in the Czech Republic to the extent relevant to the territory of the Czech Republic until 11 September 1997, on which date the NPT safeguards agreement concluded with the Czech Republic entered into force.

[l] The NPT safeguards agreement with Denmark (INFCIRC/176), in force since 1 March 1972, has been replaced by the agreement of 5 April 1973 between the non-nuclear-weapon States of EURATOM, EURATOM and the Agency (INFCIRC/193) but still applies to the Faroe Islands. Upon Greenland's secession from EURATOM as of 31 January 1985, the Agreement between the Agency and Denmark (INFCIRC/176) re-entered into force as to Greenland.

[m] The application of safeguards in Finland under the NPT safeguards agreement INFCIRC/155, in force since 9 February 1972, was suspended on 1 October 1995, on which date the agreement of 5 April 1973 (INFCIRC/193) between the non-nuclear-weapon States of EURATOM, EURATOM and the Agency, to which Finland had acceded, entered into force for Finland.

[n] The NPT safeguards agreement of 7 March 1972 concluded with the German Democratic Republic (INFCIRC/181) is no longer in force with effect from 3 October 1990, on which date the German Democratic Republic acceded to the Federal Republic of Germany.

[o] The application of safeguards in Greece under the NPT safeguards agreement INFCIRC/166, provisionally in force since 1 March 1972, was suspended on 17 December 1981, on which date Greece acceded to the agreement of 5 April 1973 (INFCIRC/193) between the non-nuclear-weapon States of EURATOM, EURATOM and the Agency.

[p] An agreement had also been concluded in respect of the Netherlands Antilles (INFCIRC/229). This agreement entered into force on 5 June 1975.

[q] The NPT safeguards agreement with New Zealand (INFCIRC/185) also applies to Cook Islands, Niue and Tokelau.

[r] A comprehensive safeguards agreement with Panama concluded pursuant to the Treaty of Tlatelolco entered into force on 23 March 1984 (INFCIRC/316).

[s] The application of safeguards in Portugal under the NPT safeguards agreement INFCIRC/272, in force since 14 June 1979, was suspended on 1 July 1986, on which date Portugal acceded to the agreement of 5 April 1973 (INFCIRC/193) between the non-nuclear-weapon States of EURATOM, EURATOM and the Agency.

[t] The NPT safeguards agreement concluded with the Czechoslovak Socialist Republic (INFCIRC/173), which entered into force on 3 March 1972, continues to be applied in Slovakia to the extent relevant to the territory of Slovakia. A new NPT safeguards agreement concluded with Slovakia was approved by the Board of Governors on 14 September 1998.

[u] The application of safeguards in Sweden under the NPT safeguards agreement INFCIRC/234, in force since 14 April 1975, was suspended on 1 June 1995, on which date the agreement of 5 April 1973 (INFCIRC/193) between the non- nuclear-weapon States of EURATOM, EURATOM and the Agency, to which Sweden had acceded, entered into force for Sweden.

[v] The NPT safeguards agreement concluded with the Socialist Federal Republic of Yugoslavia (INFCIRC/204), which entered into force on 28 December 1973, continues to be applied in the Federal Republic of Yugoslavia to the extent relevant to the territory of the Federal Republic of Yugoslavia.

## Situation on 31 December 1999 with respect to the conclusion of Additional Protocols

| *State* | *BOG Approval* | *Signed* | *In Force* |
|---|---:|---:|---:|
| Armenia | 9-23-97 | 9-29-97 | |
| Australia | 9-23-97 | 9-23-97 | 12-12-97 |
| Austria[1] | 6-11-98 | | |
| Belgium[1] | 6-11-98 | 9-22-98 | |
| Bulgaria | 9-14-98 | 9-24-98 | |
| Canada | 6-11-98 | 9-24-98 | |
| China | 11-25-98 | 12-31-98 | |
| Croatia | 9-14-98 | 9-22-98 | |
| Cuba | 9-20-99 | 10-15-99 | |
| Cyprus | 11-25-98 | 7-29-99 | |
| Czech Republic | 9-20-99 | 9-28-99 | |
| Denmark[1] | 6-11-98 | 9-22-98 | |
| Ecuador | 9-20-99 | 10-1-99 | |
| Finland[1] | 6-11-98 | 9-22-98 | |
| France[1] | 6-11-98 | 9-22-98 | |
| Georgia | 9-23-97 | 9-29-97 | |
| Germany[1] | 6-11-98 | 9-22-98 | |
| Ghana | 6-11-98 | 6-12-98 | *provisional* |
| Greece[1] | 6-11-98 | 9-22-98 | |
| Holy See | 9-14-98 | 9-24-98 | 9-24-98 |
| Hungary | 11-25-98 | 11-26-98 | |
| Indonesia | 9-20-99 | 9-29-99 | 9-29-99 |
| Ireland[1] | 6-11-98 | 9-22-98 | |
| Italy[1] | 6-11-98 | 9-22-98 | |
| Japan | 11-25-98 | 12-04-98 | 12-16-99 |
| Jordan | 3-18-98 | 7-28-98 | 7-28-98 |
| Lithuania | 12-01-97 | 3-11-98 | |
| Luxembourg[1] | 6-11-98 | 9-22-98 | |
| Monaco | 11-25-98 | 9-30-99 | 9-30-99 |
| Netherlands[1] | 6-11-98 | 9-22-98 | |

| | | | |
|---|---|---|---|
| New Zealand | 9-14-98 | 9-24-98 | 9-24-98 |
| Norway | 3-24-99 | 9-29-99 | |
| Peru | 12-10-99 | | |
| Philippines | 9-23-97 | 9-30-97 | |
| Poland | 9-23-97 | 9-30-97 | |
| Portugal[1] | 6-11-98 | 9-22-98 | |
| ROK | 3-24-99 | 6-21-99 | |
| Romania | 6-9-99 | 6-11-99 | |
| Slovakia | 9-14-98 | 9-27-99 | |
| Slovenia | 11-25-98 | 11-26-98 | |
| Spain[1] | 6-11-98 | 9-22-98 | |
| Sweden[1] | 6-11-98 | 9-22-98 | |
| UK[1] | 6-11-98 | 9-22-98 | |
| US | 6-11-98 | 6-12-98 | |
| Uruguay | 9-23-97 | 9-29-97 | |
| Uzbekistan | 9-14-98 | 9-22-98 | 12-21-98 |
| **Totals** | 46 | 45 | 8 |

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[1] All 15 EU States have concluded APs with EURATOM and the Agency

2000 Review Conference of the
Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/10
28 February 2000
ORIGINAL: ENGLISH

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New York: 24 April 2000 – 19 May 2000

# ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELEVANT TO ARTICLE IV OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Background Paper Prepared by the Secretariat of the IAEA

February 2000

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# Activities of the International Atomic Energy Agency Relevant to Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons

## EXECUTIVE SUMMARY

The International Atomic Energy Agency (IAEA) was established in 1957 to be the global intergovernmental organization for international co-operation in the peaceful uses of atomic energy. It is an independent organization within the United Nations family with 130 Member States.

While the IAEA is not referred to in Article IV of the NPT, under its Statute it in fact plays a major role in the organization and implementation of the multilateral co-operation stipulated by the Treaty. The Statute authorizes the IAEA, for peaceful purposes to — inter alia — encourage and assist research on, and development and practical application of, atomic energy; make provision for materials, services, equipment and facilities for atomic energy research and development; foster the exchange of scientific and technical information, and encourage training; and establish and administer safeguards.

The paper describes how, in line with its Statute and with decisions of its Policy-making organs, since 1979 the IAEA has placed increasing emphasis on technology transfer, with priority given to developing Member States. Both the Regular Budget of the IAEA and its Technical Co-operation Fund (TCF) are used for this purpose. The TCF funds the Technical Co-operation programme, which comprises national, or country, projects, and regional and inter-regional projects. They cover a wide spectrum of the IAEA's activities, for example those in nuclear, radiation, waste and transport safety and in nuclear energy, and also nuclear applications in medicine, agriculture, environment, hydrology and industry.

Resources for this technology transfer, which had increased in past decades, have levelled off in the past five years. At the same time, the IAEA's membership increased from 122 in 1995 to 130 in 1999, which in practical terms signifies a reduction in the capacity to respond to the increasing needs of its Member States. Much has been accomplished, but much more remains to be done to make the benefits of nuclear energy widely available for sustainable development, for environmental protection, for human health and for generally improving the quality of life. Opportunities exist and projects responding to the real needs of Member States have been identified, the only constraint being the level of resources available. The unpredictability of resources for the TCF makes it difficult to programme activities. Indeed, over the last few years, some major donors pledged only a part (20%—80%) of their respective targets, while some recipient countries did not pay at all. The General Conference of the IAEA has often stressed the need to strengthen TC activities, partly through the provision of sufficient resources, and has urged all Member States to make every effort to pay their contributions to the TCF in full and on time. In this respect, the provisions of Article IV.2 are relevant and should be seriously considered by the States Party to the NPT at this Review Conference.

The paper concludes by examining the challenges to technical co-operation, and how the IAEA has developed a Medium Term Strategy (2001-2005) to meet those challenges. In this Strategy the objectives for the medium term are grouped under three substantive goals, or pillars, and two complementary functional goals. They address the contribution of nuclear technologies to meeting the needs and interests of Member States in a sustainable manner; promoting an effective worldwide safety culture, and providing assurances to the international community of the peaceful uses of nuclear material.

The IAEA is thus expected, through its Medium Term Strategy, to strengthen its role as the principal international vehicle for multilateral co-operation in the peaceful uses of atomic energy, maintaining and enhancing its relevance to Article IV of the NPT.

# I. INTRODUCTION

The International Atomic Energy Agency (IAEA) was established in 1957 as an independent organization within the United Nations family, to be the global intergovernmental organization for international co-operation in the peaceful use of nuclear energy. The twin objectives of the IAEA are: (i) to enlarge the contribution of atomic energy to peace and development at a high level of safety, and (ii) to ensure, so far as it is able, that atomic energy is utilized exclusively for peaceful purposes.

The IAEA now has 130 Member States.

As the needs and priorities of the IAEA Member States are diverse, the IAEA deals with the whole spectrum of peaceful uses of nuclear energy, ranging from production of electricity through nuclear power to the application of radiation and isotopes in such areas as human health, food and agriculture, industry, water resource management and environment, thus affecting all aspects of human development.

Priority within the IAEA's activities is placed on the transfer of nuclear technology and techniques to Member States, with emphasis on developing countries. Many ways and means are used to this end under its regular programme, including scientific and technical meetings and publications, research contracts and programmes, numerous databases, and a wide range of services by advisory teams and research laboratories. The majority of the IAEA technology transfer activities, however, are undertaken through the technical co-operation (TC) programme, funded by voluntary contributions, which assists developing Member States in meeting their most pressing scientific and technical needs for development.

A number of steps have been taken by the IAEA in recent years to strengthen its technology transfer efforts by improving its efficiency and effectiveness. This paper presents an overview of the IAEA's technology transfer activities and briefly comments on the link between these activities and the commitments made under Article IV by the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The following sections contain a description of the relationship between Article IV of the NPT and the activities of the IAEA and the evolving framework for the IAEA activities to promote peaceful nuclear co-operation, with a special section devoted to developments since 1995. The last section focuses on the challenges to peaceful co-operation as described in the medium term strategy of the IAEA for 2001-2005.

## II. INTERNATIONAL CO-OPERATION FOR THE PEACEFUL USES OF NUCLEAR ENERGY: THE NPT AND THE IAEA

### A. NPT Article IV

Article IV of the NPT states:

1. "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty."

2. "All the parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States party to the Treaty, with due consideration for the needs of the developing areas of the world."

### B. Responsibilities of States Parties

As such, Article IV of the NPT stipulates two main provisions. First, it confirms the right of all the parties to the Treaty to conduct peaceful nuclear activities and to participate in peaceful nuclear co-operation. Second, the Article provides for the obligation of the parties to facilitate the fullest possible exchange of equipment, materials, scientific and technological information and co-operate in contributing to the further development of the peaceful uses of nuclear energy. Particular emphasis is placed on the development of peaceful nuclear applications in non-nuclear-weapon States party to the NPT.

### C. Role of the IAEA: The Statute

Although the Agency is not referred to in Article IV of the NPT, it plays a major role in the organization and implementation of the multilateral co-operation stipulated by the Treaty. The importance of the work of the IAEA as the principal agent for technology transfer among international organizations referred to in Article IV.2, was acknowledged by the 1995 NPT Review and Extension Conference. The document of this Conference, NPT/CONF.1995/32/DEC.2 of 11 May 1995 entitled 'The Principles and Objectives of Nuclear Non-proliferation and Disarmament' states that:

> "Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical co-operation, safeguards and nuclear safety. The IAEA should be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources."

Under its Statute, the IAEA's principal objective is "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world". To this end, the IAEA is authorized to discharge a number of functions, including the following:

1. "To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the IAEA for another; and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;

2. To make provision for materials, services, equipment and facilities to meet the needs for research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of underdeveloped areas of the world;

3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;

4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;

5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the IAEA or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy."

Over the years, some of the foregoing statutory provisions were further built upon and detailed. In 1979, the Board of Governors approved "The Revised Guiding Principles and General Operating Rules to Govern the Provision of Technical Assistance by the IAEA", which reflected the experience accumulated by the IAEA in this area. The document emphasized *inter alia* that:

1. The provision of technical assistance constitutes a major, high-priority function of the IAEA, and responsibility for its success devolves on all Departments of the Secretariat.

2. Increasing emphasis shall be given by the IAEA to the provision of technical assistance with regard to integrated, multi-year programmes, including projects for regional development. These programmes or projects should be related to the development plans or priorities and objectives of the recipient Member States or group of Member States with a view to making a contribution in support of them.

The aforementioned statutory provisions and subsequent decisions of the Board of Governors underlie the "Revised Supplementary Agreement concerning the Provision of Technical Assistance by the International Atomic Energy Agency" (RSA) which all recipient Member States must conclude with the IAEA. This supplementary agreement reinforces the commitment of these Member States to non-proliferation.

## III. THE EVOLVING FRAMEWORK FOR PROMOTION OF PEACEFUL NUCLEAR CO-OPERATION

### A. IAEA infrastructure, nuclear centres and laboratories

For effective promotional activities, the IAEA must monitor the trends and developments in nuclear science and technology worldwide, as well as the prevailing needs and priorities of Member States. The IAEA conducts comprehensive reviews of its programmes with a view to identifying their strengths and weaknesses. The latest such review was undertaken in 1998 in connection with the elaboration of the Medium Term Strategy for 2001-2005. In addition, since 1982 Technical Co-operation Review Seminars have been held at an interval of 4-5 years where all IAEA Member States can present their views and proposals on principal issues related to TC activities. In many cases, such reviews and discussions have resulted in adjustments of the IAEA's strategy, priorities and programmes and in attendant modifications of its organizational structure.

At present, the IAEA Secretariat is composed of six Departments. Four are directly involved in the transfer of peaceful nuclear technology worldwide. The overall administration and management of technical co-operation programme is carried out by the Department of Technical Co-operation. Its functions include the whole range of organizational and financial matters related to the planning and implementation of the programme; forging a link between national development goals of recipient countries and the IAEA's assistance; communication and interaction with national authorities in developing Member States on TC matters, and overall performance and improvement of TC activities.

The other Departments' involvement in the TC programme includes scientific and technical aspects of country programming, technical appraisal of project requests, scientific and technical supervision of project implementation, and other tasks aimed at ensuring the technical integrity of inputs and the technical quality of the programme. In addition to their input to the TC programme, the Technical Departments conduct, under their own programmes, extensive activities directed at nuclear science and technology transfer to Member States. A number of mechanisms have been developed and used to this end, including co-ordinated research projects (CRPs), research contracts, seminars and workshops, the collection and dissemination of scientific and technical information through the International Nuclear Information System (INIS) and various databases, the preparation of safety standards, the provision of advisory services, and other means of exchange of knowledge and skills between scientists and engineers from all IAEA Member States, regardless of the level of their nuclear development.

Uniquely among other international organizations of the UN family, the IAEA operates its own research and service laboratories, which contribute significantly to the transfer of nuclear technologies. For nearly 40 years, the IAEA's Seibersdorf Laboratories, near Vienna, have carried out research and provided a diverse range of technical services in applied physics, chemistry, hydrology, agriculture, and nuclear instrumentation.

Hundreds of scientists from developing countries benefit every year from the activities of the International Centre for Theoretical Physics (ICTP) in Trieste, Italy, which is financed jointly by the Italian Government, UNESCO and the IAEA, with additional funds from other sponsors. The centre serves both as a research facility and a scientific training centre. The IAEA's main objective in ICTP's activities is to foster the growth of advanced studies and research in physical and mathematical sciences and their interface with technology, especially in developing countries.

Since 1961, the IAEA has operated a Marine Environment Laboratory in Monaco which carries out research and training in marine science, particularly in environmental monitoring and in the study of radioactive and non-radioactive pollutants in oceans and seas. The laboratory frequently collaborates with oceanographic institutes worldwide and undertakes projects in co-operation with other international environmental programmes and institutions.

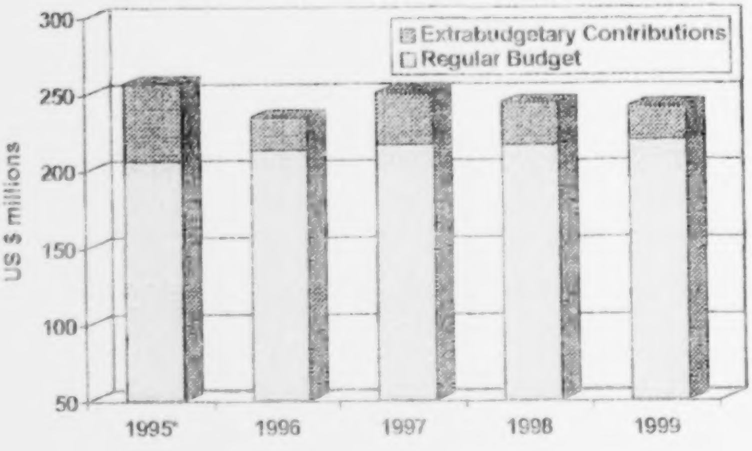
## B Financial resources and personnel

The IAEA financial resources consist of two major components: the Regular Budget and the Technical Co-operation Fund (TCF). The Regular Budget provides for the administrative expenses of all Departments of the IAEA, including the Technical Co-operation Department, as well as for activities carried out under the regular programme in the interest of all Member States, both industrialized and developing. The Regular Budget is funded by contributions made according to a formula of annual assessment applied to each Member State, calculated essentially according to the rates used in the UN system for assessed contributions. Safeguards expenses are included in the Regular Budget, although a special formula, designed to minimize costs to developing countries, is used for purposes of assessment. Figure 1 shows the regular programme resources available during the period 1995-1998. The TCF was established to finance all components delivered by the IAEA to developing countries under the TC programme and is made up of voluntary contributions paid by Member States (see subsection D below).

In addition to the Regular Budget and TCF, the IAEA receives extrabudgetary contributions from its Member States and some international organizations for funding specific projects within the TC programme and other programmes.

Over the years, the IAEA has built up significant human resources to enable it to cope with the growing size and diversity of technology transfer to developing Member States. The managerial and technical staff dealing with these activities are qualified and dedicated specialists with substantial experience in the international transfer of technology and know-how. Many of them come from developing countries, bringing with them knowledge of prevailing conditions and needs in those regions.

As of the end of 1999, IAEA staff numbered 2,196, of whom 940 were in the Professional and higher categories.



* In 1995 the IAEA still received US $20.6 million for the International Centre for Theoretical Physics from the Government of Italy (not from 1996 onwards).

**Figure 1.** IAEA regular programme resources: 1995 - 1999.

## C. Technical co-operation

The IAEA's major instrument for co-operation with developing countries is the TC programme. It comprises national projects (also known as country projects), regional projects and interregional projects. Projects may include one or more of the following components: expert services, provision of equipment and materials, fellowship training, scientific visits and training courses. A national project derives from a formal request for technical assistance by a Member State and forms part of the Member State's country programme of co-operation with the IAEA. Regional projects are (i) those proposed by the IAEA in response to the expressed needs of two or more Member States in a region, and (ii) those proposed by Member States in a region collaborating within a regional co-operative agreement. Interregional projects are established by the IAEA to serve the common needs of several Member States worldwide. In particular, some interregional projects are used to fund missions to any Member State that seeks assistance in planning its technical co-operation with the IAEA or in assessing needs for nuclear applications.

The TC programme is submitted for consideration and approval by the Board of Governors. Since 1989, the IAEA has applied a system of multi-year TC programmes with annual budgetary approval.

In 1999, 868 TC projects, including interregional and regional projects, were operational in 95 Member States, covering all areas of the peaceful application of nuclear energy. Under these projects, over 3,300 experts including lecturers from all over the world conducted visits to recipient Member States, and 55% of these visits were carried out by experts from developing countries, which is an indicator of the advancement achieved by many developing Member States. Over 1,200 persons received training as fellows or visiting scientists. Fourteen interregional and 184 regional training courses were held in 65 countries; 82% of these courses were hosted by developing countries. Another 2,400 persons were trained at the courses. Various items of equipment and instruments totalling US $30 million were delivered. Figures 2 and 3 show disbursements by field of activity and a regional breakdown of the TC programme for 1998.

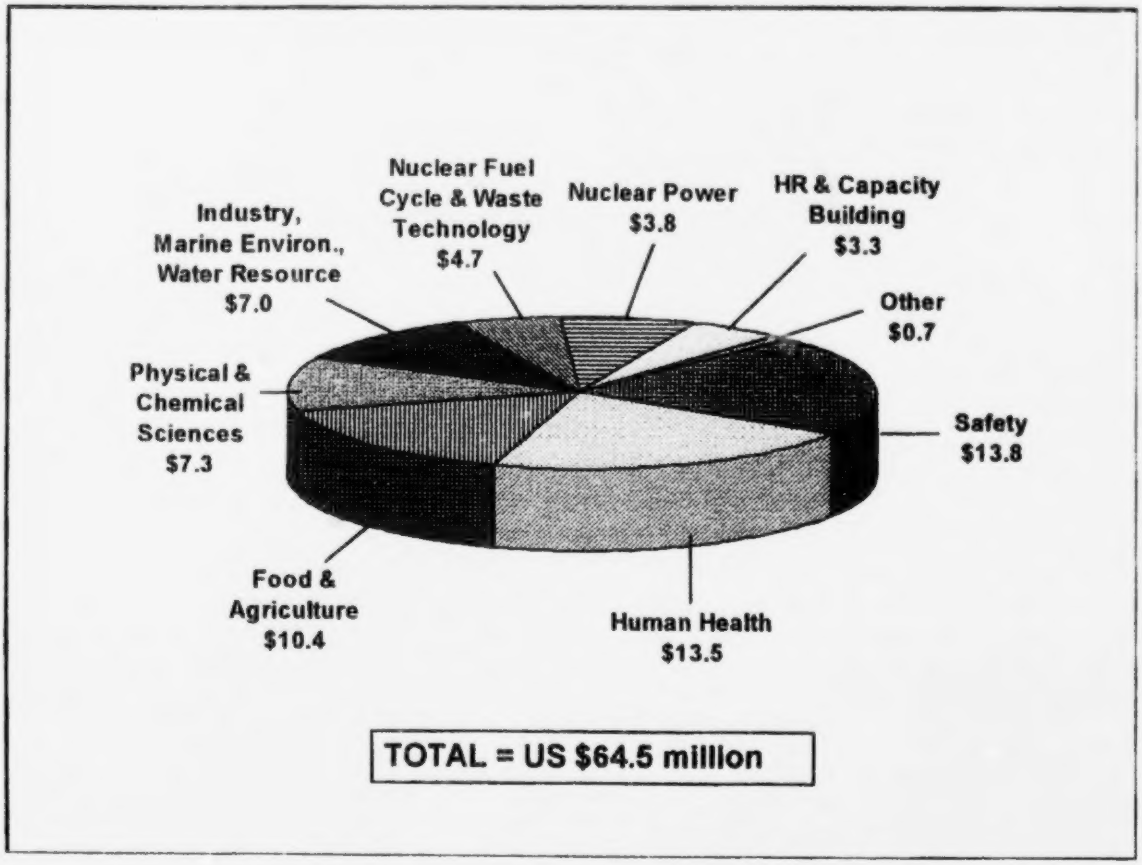


**Figure 2.** Technical co-operation disbursements by field of activity: 1998 (in US $ millions).

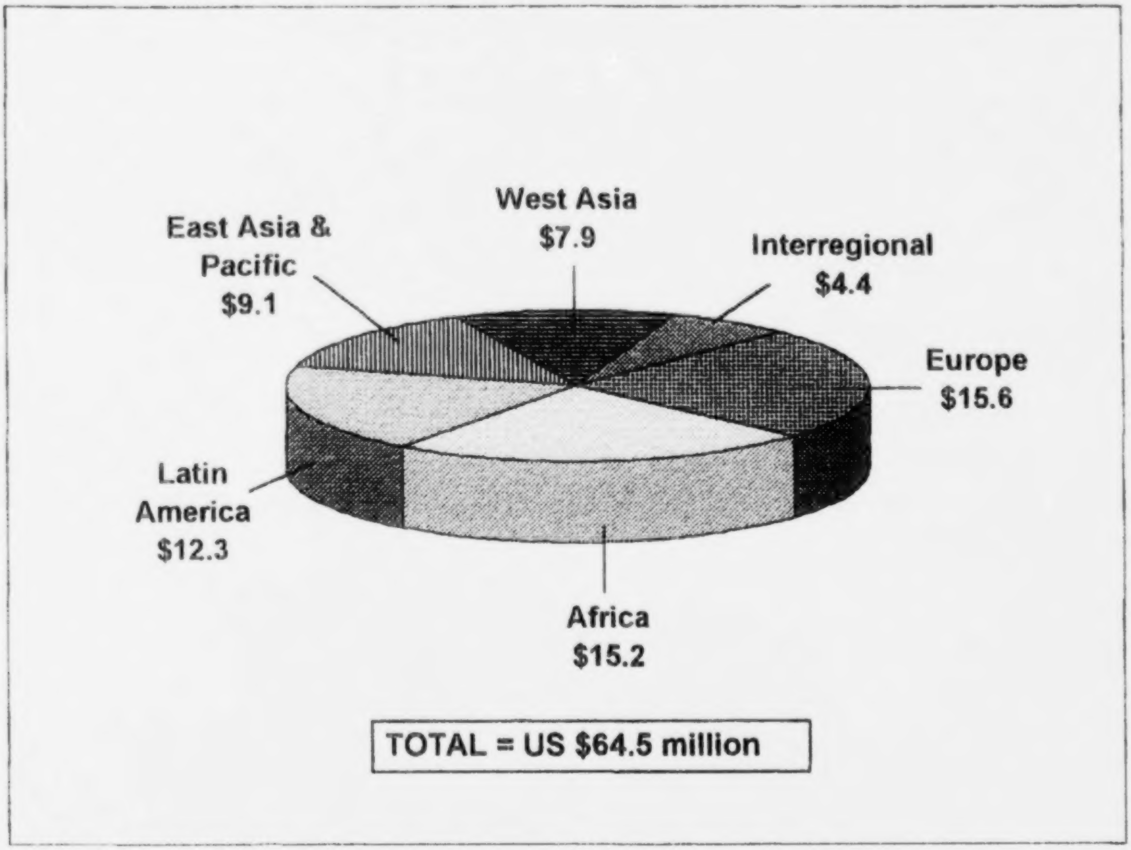


**Figure 3.** Technical Co-operation disbursements and Member States' participation by region: 1998 (US $ millions).

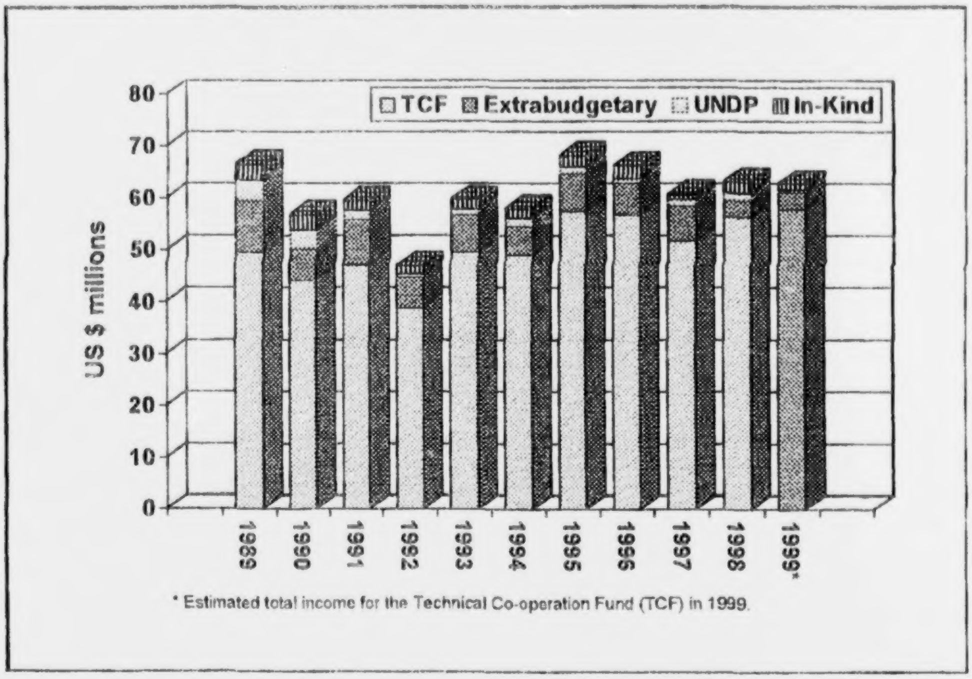
## D. TC funding

As noted earlier, the administrative costs required for running the TC programme and its in-house technical support are borne by the Regular Budget. The cost of TC project components and their delivery is funded from voluntary contributions provided by Member States. Most of these voluntary contributions are paid into the TCF, accounting for over 85% of total resources available for the TC programme. The annual target for payments into the TCF is set for two years in advance following consultations among Member States. At the General Conference, Member States are requested to pledge contributions against their share of that target, calculated essentially according to the rates used in the UN system for assessed contributions. The other principal source of income for the TCF is Assessed Programme Costs (APC), which are levied on individual Member States at 8% of assistance received and paid back to the IAEA.

Guided by an annual estimate of available TCF resources, the Board of Governors approves the allocation of funds to projects according to priorities determined by the IAEA Secretariat following discussions with Member States.

A number of projects that cannot be funded from the TCF owing to lack of resources (typically 25-30% in funding terms) are approved for implementation subject to subsequent availability of funds which may be provided through extrabudgetary contributions ("footnote a/ projects"). Another type of extrabudgetary contributions is "assistance in kind", whereby Member States provide expert services, donate equipment or arrange training free of charge. Some 20% of all fellowships provided annually under the TC programme are funded from this source.

Figure 4 shows resources available (adjusted for inflation) for the TC programme in 1989-1998.



* Estimated total income for the Technical Co-operation Fund (TCF) in 1999.

**Figure 4.** TC resources adjusted for inflation: 1989 — 1998.

A record number of 73 countries, 13 more than in 1997, made pledges to the TCF in 1998. Most of the newly pledging countries were among developing Member States, including least developed countries. The 20 largest contributors to the TCF (15 developed and five developing Member States) represent 95% of the payments for 1998. At the same time, 55 Member States neither pledged nor paid contributions to the TCF. Figure 5 shows the development of pledges and payments to the TCF during the period 1985-1998. It can be seen that during this period there was a continuous gap between the approved target for the fund payments and the actual payments.

Although the situation improved somewhat between 1992 and the time of the NPT Review and Extension Conference in 1995, since then the income as a percentage of the target has decreased again. At the same time the increase in the Agency membership from 122 in 1995 to 130 in 1999 signifies in practical terms a reduction in the capacity to respond to the increasing needs of its Member States. The unpredictability of resources for the TCF (see Figure 5) makes it difficult to programme activities. Indeed, over the last few years, some major donors pledged only a part (20%—80%) of their respective targets, while some recipient countries did not pay at all.

The General Conference of the IAEA has often stressed the need to strengthen TC activities, including the provision of sufficient resources, has urged all Member States to make every effort to pay their contributions to the TCF in full and on time, and has reminded Member States of their obligation to pay their Assessed Programme Costs (APC).

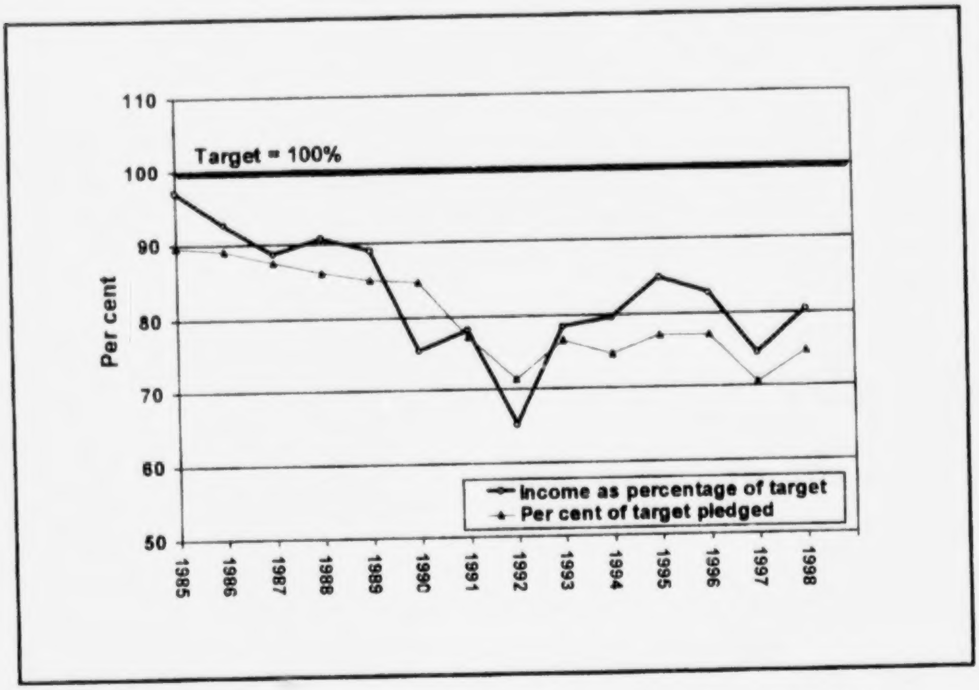


**Figure 5.** Pledges and payments to the Technical Co-operation Fund: 1985 - 1998.

## E. TC and the NPT

While transfer of technology in the context of Article IV of the NPT also takes place through bilateral and other multilateral channels, the IAEA serves as the key international mechanism for scientific and technical co-operation in the peaceful uses of nuclear energy and has an important role in the transfer of nuclear technology to the developing areas of the world.

All TC project requests presented by Member States are appraised by the IAEA exclusively against statutory and other established criteria, including technical and practical feasibility, national developmental priorities, availability of required infrastructure in the recipient country, and long term benefit to end users. As noted above, most of the projects deemed to be qualified for assistance are funded from the TCF. The remaining qualified projects, for which funding from the TCF is unavailable, are incorporated in the proposed TC programme as candidates for extrabudgetary support (footnote a/ projects). Such support is traditionally provided by donor countries.

## F. TC strategy

Since the very early years of the IAEA's existence, its TC activities have undergone various adjustments and modifications reflecting new trends and developments in nuclear science and technology worldwide, changing needs and priorities of developing Member States, growing diversity and size of the TC programme, and other factors.

A number of new concepts and approaches have been introduced in TC planning and implementation practice at various times. Through these initiatives, the IAEA has been able to improve efficiency in the transfer of nuclear technology and techniques to developing Member States. The cumulative effect of these efforts on the technical capability of recipient countries is significant. This, combined with the desire of Member States to further strengthen the efficiency and effectiveness of technology transfer activities, has created greater opportunity for projects in the development areas. To encourage this trend, it has been necessary to focus the resources available for technology transfer on activities which are both cost effective and aligned with national development priorities.

That has brought about a gradual shift in emphasis in the IAEA's TC programme in the last four years from infrastructure building activities towards collaboration with counterpart organizations to employ the available capacity for development projects.

The major goal of the new **Technical Co-operation Strategy**, approved by the Board of Governors in December 1997, can be stated as follows: Technical co-operation with the Member States shall increasingly promote tangible socioeconomic impact by contributing directly in a cost effective manner to the achievement of the major sustainable development priorities of each country. This goal is conveyed by the term **Partners in Development**, the idea being that the IAEA becomes a partner with each Member State, co-operating in the process of achieving sustainable development. Three principal tools are utilized to achieve the strategic goal: Model Projects; country programme frameworks (CPFs); and thematic plans.

The **Model Projects** elaborated by the IAEA and introduced in 1994 may be national, regional or interregional. In comparison with other TC projects, Model Projects emphasize (i) responding to a high priority national need; (ii) a major role being played by nuclear technology; (iii) significant and measurable end-user/end-beneficiary impact; (iv) much greater government commitment; and (v) sustainability beyond the life-cycle of the project itself. Model Projects form the core of the IAEA's TC programme being, for example, the central element in planning country programmes within the CPF. Furthermore, because of their success rate, the new strategy calls for Model Project standards to be extended to the entire TC programme. By 1999, 122 Model Projects were operational in 59 Member States.

A **country programme framework** is a document agreed on between a country and the IAEA, outlining their joint concept for future co-operation. The CPF focuses on the medium term (four to six years) and is regularly updated. It provides a total overview of the country's needs for nuclear technology and serves to ensure that the IAEA's collaboration with the country is coherent and cost effective.

To be effective, the CPF must become an integral part — and eventually the principal means — of the national process of formulating and screening projects. The CPF process, already introduced during the preparation of the TC programme for 1997-1998, was applied to all Member States during the preparation of the 1999-2000 TC programme.

The second main pre-programme activity is **thematic planning for technical co-operation.** Thematic planning is a management tool for identifying those nuclear techniques which are unique or of special value in relation to the IAEA's mandate. A thematic plan should indicate (i) how IAEA expertise can contribute to solving a problem or to achieving a development objective, especially when compared with non-nuclear alternatives; (ii) in which countries or regions its application would be most appropriate; (iii) in which countries the ability to employ the services or applications exists, or can be readily created at reasonable cost. A strong link can be made between thematic planning and regional programmes. While thematic planning can result in national project activities, it can also help establish common regional strategies and opportunities for technical co-operation among developing countries (TCDC).

TCDC continues to be a key area because it strengthens the sustainability of project activities by building self-reliance and mutual interest among Member States. The most successful mechanisms established to stimulate TCDC are undoubtedly the Regional Co-operative Agreements for Asia (RCA), for Latin America (ARCAL) and for Africa (AFRA). The IAEA is trying to strengthen these regional endeavours by encouraging Member States to assume responsibility for project formulation activities, and by encouraging the more advanced national institutes within a region to contribute fully to solving problems within the region. Originally, such national institutes were referred to as **"centres of excellence".** However, given the way the concept is evolving, a more accurate term would be **"regional resource centres".**

The intensive efforts made by the IAEA and its Member States in recent years to strengthen TC activities have begun to bear fruit. More and more projects are aligned with recipient countries' priorities for economic and social development. This has been achieved by an increased emphasis on pre-project planning and consultations with Member States. Consequently, the IAEA is gaining a much higher profile not only with nuclear authorities but also with the heads of central government departments and ministers.

Consultations have also involved other potential partners and donors. For example, the European Union, the World Association of Nuclear Operators (WANO) and the G-24 participated in the planning of TC safety related activities for Eastern Europe and for the newly independent states (NIS) of the former USSR. This has led to increased funding for specific activities beyond that provided solely by the IAEA, and to greater co-ordination of multilateral efforts for the benefit of recipient States.

The total number of operational TC projects has been significantly reduced from nearly 1,200 projects in 1995 to slightly over 900 in 1998 and to 700 in 2000. Another interesting aspect is the growing trend towards "regionalization" of the TC programme, which means implementation through institutions within a region, using existing regional capacity and expertise whenever possible and thus promoting TCDC. In Africa, for example, while the budget for national TC projects has changed little in the past five years, allocations for AFRA and other regional projects have increased considerably, from about one quarter of the total programme budget in 1993 to over half in the TC programme for 1999-2000.

## IV. PROMOTION OF PEACEFUL NUCLEAR CO-OPERATION: DEVELOPMENTS SINCE 1995.

### A. Nuclear Technology Pillar

### 1. Nuclear power and the fuel cycle (including radioactive waste)

Global energy demand is growing as a result of economic development and increases in world population; for developing countries the demand is projected to increase two to threefold in the next thirty years. Nuclear power is one of the few options that can help countries in the next few decades to meet large scale electricity demand without releasing common environmental pollutants and greenhouse gases.

Today nuclear power is at a standstill in Western Europe and North America although it continues to expand in a few rapidly developing countries in Asia and parts of Eastern Europe. Accordingly, the proportional share of nuclear power in global electricity production is expected to fall in the next two decades. A resurgence of nuclear power depends on action on three crucial fronts: (i) continued improvement in its global safety record, including improvement in waste management; (ii) further improvement in its economic competitiveness; and (iii) restoration of public confidence.

While the choice of a particular energy mix is a national decision that can be made only in the light of national conditions and priorities, States considering the different energy options should be able to make that decision on the basis of up-to-date and complete information and with the benefit of technical expertise. In this context and in co-operation with eight other international organizations, the IAEA has continued its activities to assist Member States in developing their capacity for decision making in the energy sector. To that end, the IAEA's **nuclear power programme** has established country and technology databases, developed analytical computer tools, and provided training and support to developing countries in conducting comparative assessment studies, which make it possible to evaluate the perpetual trade-offs between technical, economic and environmental features of different electricity generation technologies, chains and systems at the national, regional and interregional levels. Currently, over ninety countries are using these tools, and more than 25 Member States have developed their own country databases containing a total of more than 2,500 technologies.

Under the programme, during the period 1995-1999 several international and regional conferences and seminars were organized and a number of technical documents dealing with nuclear power planning and implementation were prepared by the IAEA. Of special interest to developing Member States was the publication of the following two documents: "Choosing the nuclear power option: Factors to be considered", and the report to the 43rd General Conference of the IAEA from the 2nd Scientific Forum on "Sustainable Development: A Role for Nuclear Power?".

The IAEA has also continued to provide Member States with information on the operation of nuclear power plants (NPPs) worldwide. In 1996, the Power Reactor Information System (PRIS) database was made available on the Internet, providing easier access to this information resource for the statistical analysis of NPP operation indicators. The number of PRIS users in 54 Member States and eight international organizations has increased to 280, representing a growth of 25% over the previous year.

A number of meetings have been held and a series of technical documents have been published by the IAEA on various aspects of **NPP performance**. They cover, in particular, NPP organization and staffing for improved performance, advanced methodologies used for training and qualification of NPP personnel, technical support for nuclear power operation, and good practices of some of the world's most productive plants.

Considerable efforts are being made worldwide to develop **advanced NPPs.** Expenditures for development of new designs, technology improvements, and the related research for the major reactor types combined are estimated to exceed US $1.5 billion per year. Within the framework of its nuclear power programme, the IAEA has continued to serve as an international clearing house for objective reference information on different concepts being developed and project status, as well as on typical development trends throughout the world. In this context, the IAEA plays a role in bringing together experts for a worldwide exchange of information on national programmes and for programme co-ordination of research on advanced reactor technology. For these activities, the IAEA relies on the advice of international working groups composed of leading representatives of national programmes and international organizations for each major type of reactor. Significant results of such meetings are published as technical documents and distributed to all interested organizations and individuals in Member States.

Among various types and new concepts of nuclear reactors, **small and medium size reactors**, which are of particular interest for such applications as the desalination of sea water and district heating, have continued to receive the IAEA's close attention. They may also be a suitable option for electricity generation in countries with small electricity grid capacities or in remotely located areas.

The IAEA's programme on the **nuclear fuel cycle** covers several key areas: uranium supply and demand, reactor fuel technology and performance, spent fuel management, and nuclear fuel cycle issues, including the safe handling and storage of plutonium and comparative assessment of the different options for the back end of the fuel cycle.

Some major assessments and their implications have emerged from this programme. The supply of uranium for nuclear power reactors will be sufficient to satisfy world needs up to the year 2050. Since delays are expected in the availability of high level waste and spent fuel repositories, prolonged storage of spent fuel and conditioned high level waste is anticipated. However, technologies are available for safe storage and disposal of spent reactor fuel or radioactive waste. Also, a significant quantity of separated civil plutonium, which can be used for fueling power reactors, has been accumulated in the nuclear fuel cycle industry.

The IAEA's **waste management** activities are not limited to spent fuel and conditioned high level waste, but also deal with operational waste from nuclear power and its fuel cycle, and with radioactive waste from many other different sources. The majority of the IAEA's Member States do not have nuclear power programmes and use radionuclides principally for research, and for medical, industrial, and agricultural applications. Over the past decades, the technologies to effectively manage small amounts of radioactive wastes generated from non-power applications have been developed and implemented. Still, there are Member States where the available infrastructure is either inadequate or missing. In view of this, at present almost half of the IAEA's ongoing waste technology tasks are oriented to non-fuel cycle wastes. The main objective is to identify the best ways and means to transfer demonstrated technologies and associated experience to all countries, especially to developing IAEA Member States.

As for direct technology transfer, under the TC programme for 1998 a total of 110 projects in nuclear power and fuel cycle were operational, including regional and interregional activities. The disbursements for these projects amounted to nearly $ 8.5 million or 13% of total TC expenditures. The majority of these projects dealt with radioactive waste management and disposal (35%) followed by projects in nuclear power implementation and performance (33%) and raw materials for reactor fuels (15%).

## 2. Non-power applications of nuclear energy

The IAEA has continued co-operation with the overwhelming majority of its developing Member States in the use of radioisotopes and ionizing radiation for research, agricultural, medical, industrial and other non-power applications.

In the area of **food and agriculture,** emphasis is placed on facilitating the development and adoption by Member States of nuclear and related biotechnologies which enhance the ability at national and international levels to identify and alleviate constraints to sustainable food security. This activity is conducted jointly with the Food and Agricultural Organization (FAO).

The programme assists Member States in defining specific constraints and in finding solutions to problems in relevant areas earmarked for intergovernmental action at the United Nations Conference on Environment and Development and at the World Food Summit.

During 1998, nearly 180 projects in food and agriculture were operational under the TC programme, including one interregional and 15 regional projects. The disbursements for these projects accounted for 16% of total TC expenditures. The following examples illustrate some results obtained in the area of food and agriculture. About 125 new varieties of crops were developed by induced mutations to improve productivity in the past five years. Several Member States in Africa, Latin America and Europe have been very successful in the control or eradication of insect pests by Sterile Insect Technique (SIT), and rinderpest has been almost eradicated from Africa.

In **human health,** IAEA activities are focused on nuclear medicine, clinical radiation therapy, dosimetry and medical physics, and on nutritional and health related environmental studies. In **nuclear medicine**, emphasis is placed on the introduction of cost effective application of many *in-vivo* diagnostic nuclear medicine procedures in routine medical practice in a large number of developing countries. More than 400 radioimmunoassay laboratories have received IAEA support. Molecular biology methods have been introduced in a number of centres. About 70 gamma cameras have been provided to 56 Member States and 150 existing analogue gamma cameras upgraded to digital ones. More than 700 nuclear medicine professionals have been trained. Over 200 national, regional and interregional training courses, workshops and seminars were organized during the past five years.

In **clinical radiation therapy**, the IAEA has been involved predominantly in selecting equipment, establishing training for all echelons of staff and identifying experts to start the first radiation oncology departments in four Member States. In **dosimetry** and **medical radiation physics**, major achievements have been the expansion of support to the IAEA/World Health Organization (WHO) network of secondary standard dosimetry laboratories: in particular, the calibration of brachytherapy, the development and dissemination of standards for diagnostic radiology, the development of a charter and the establishment of criteria for active membership of the network. Another major activity is quality audit of radiotherapy centres, involving promotion of national networks; there has been a substantial increase in the number of beams checked owing to the automation of thermoluminescent dosimetry procedures.

In the **environmental area, air pollution** — a serious problem in many parts of the world and particularly in developing countries — has been extensively tackled. It has been demonstrated that (i) nuclear analytical techniques are highly appropriate for determining the elemental composition of airborne particulate matter collected on filters and appropriately selected biomonitors, and (ii) chemometric evaluation of the multi-element data sets produced by these techniques enables identification of pollutant sources and their apportionment.

The TC programme for 1998 included 175 projects related to human health, of which one was interregional and 25 were regional. Disbursements for these projects amounted to US $13.5 million or 21% of total TC expenditures. More than two thirds of these projects dealt with nuclear medicine, and applied radiation biology and radiotherapy.

A very traditional and important area of activity has been the use of isotope and radiation techniques for various **industrial applications.** These include, in particular, non-destructive testing, radiation processing of industrial and medical products, treatment of wastewater and flue gases, and application of tracer techniques for the assessment, development and management of water resources. Assistance has also been rendered in utilization of research reactors and particle accelerators for research and production of radioisotopes for industrial, medical and other applications; monitoring and study of the marine environment; nuclear instrumentation; and radiochemical applications.

Another important activity has been the application of isotopes in **hydrology** which has significantly improved groundwater resource management and pollution prevention in many countries. Dam sustainability has also been improved by isotope techniques in several countries, bringing large economic benefits in the past five years. Radiation technology has proven to be efficient for cleaning flue gas from coal burning electric power stations; the IAEA has assisted four Member States with this technology.

In 1998, assistance to developing Member States in these areas was provided under 236 projects running to US $14 million, which represents 22% of the total disbursements under the TC programme.

### B. Safety Pillar

Over the past five years, the IAEA has continued its activities to strengthen the global regime for nuclear, radiation, waste, and transport safety. The regime comprises three main components: legally binding agreements between States, internationally recognized safety standards, and measures to assist States in the implementation of these conventions and standards. In addition, technological solutions for improving safety are being promoted. In 1999, the IAEA also focused on assisting Member States to manage the Y2K readiness problem.

Since 1995 several safety related instruments have been concluded under the IAEA auspices, namely, the Convention on Nuclear Safety which entered into force in 1996; and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage which have yet to enter into force. Four other instruments which were negotiated under the IAEA auspices had already entered into force during the period before 1995, namely, the Convention on Early Notification of a Nuclear Accident (1986), the Convention on the Physical Protection of Nuclear Material (1987), the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1987) and, in the field of nuclear liability, the Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (1992).

By its Statute, the IAEA is authorized to establish safety standards and provide for their application. Over the years, the IAEA, in co-operation with its Member States, has developed and issued more than 200 standards which represent international consensus on safety requirements and provide essential guidance for national authorities. They cover all areas where nuclear energy and radiation are used, including nuclear power and its fuel cycle, and various applications in research, medicine, industry, agriculture and other non-power sectors. Since 1996, a programme of work has been under way to revise and update some 70 safety standards. While the first portion of the revised documents has already been published, the majority of the revisions should be completed in 2000-2001 as a result of which a comprehensive and scientifically up-to-date corpus of standards will be available to Member States.

The key to an effective safety regime is the full application of conventions and standards at the workplace. Responsibility for the implementation of the conventions and the application of safety standards rests primarily with Member States. The IAEA, however, undertakes many activities to assist countries in this endeavour. Throughout the past five years, the IAEA expanded the range of services it can offer in this area and is in the process of upgrading its services to include various types of safety review missions, training, the fostering of scientific research, technical co-operation, legislative assistance, and information exchange. In the past years, the number of Member States using the different safety services of the IAEA in such areas as operational and engineering safety of power and research reactors or the services to review regulatory approaches in nuclear, radiation and waste safety has considerably increased.

In recent years, a substantial number of safety related TC activities have been implemented under a TC Model Project on upgrading radiation and waste safety infrastructure, which is based on achieving the standards required by the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources (BSS). The project is designed to establish and strengthen the national safety infrastructure of States using radiation sources and radioactive materials for medical, industrial and research purposes. Particular emphasis has been placed on the basic infrastructure elements, such as establishing legal frameworks for safety, creating and strengthening national regulatory bodies, providing initial education and training for safety professionals, and setting up national systems for the notification and control of radiation sources. As of the end of 1999, about 80% of the 52 States participating in the Model Project had legislation, regulations for regulatory authority and a system of notification, authorization and control of radiation sources approved or in the process of approval.

Under this Model Project, a variety of expert missions were undertaken according to action plans agreed on with the participating countries. Between 1995 and 1999, the IAEA conducted 302 expert missions and held 37 workshops and seminars covering most of the project activities.

In addition to this, the IAEA has continued its educational and training activities under the TC programme as an efficient mechanism for strengthening nuclear and radiation safety. Under the overall safety programme, about 170 national, regional and interregional training events were conducted between 1995 and 1999. Basic professional and postgraduate training courses in radiation protection and nuclear safety are still regularly held in various regions.

The safety related TC activities between 1995 and 1999 involved approximately US $72 million which represents about 25% of total TC disbursements in that period, with over 400 national, regional and interregional projects.

In recent years, an extrabudgetary project has been conducted under the regular programme on the main safety issues related to the design and operation of early generation NPPs in Eastern and Central Europe and the NIS. Its findings and recommendations have been used as technical bases for safety upgrading work at the plants in question, for review by national regulatory authorities and for the establishment of safety priorities in national, bilateral and other international programmes. As a result, considerable progress in nuclear safety has been achieved in the operation of WWER and RBMK reactors in Central and Eastern Europe, in strengthening the independence and technical competence of the nuclear regulatory authorities and in establishing a legislative and regulatory framework for national nuclear regulation. Notwithstanding the results accomplished, more remains to be done. For instance, further efforts are required to maintain and enhance an effective safety culture and to improve design safety through specific safety analysis reports.

A regional extrabudgetary activity on the safety of nuclear installations in South East Asia, Pacific and Far East countries started in early 1998 under the regular programme. The objective of the activity is to strengthen nuclear safety in participating countries and, in particular, to enhance the capabilities of regulatory authorities and technical support organizations.

Significant inputs for the further development and promotion of nuclear and radiation safety are made through a wide spectrum of meetings ranging from international conferences and symposia attended by hundreds of participants to meetings of several experts or consultants. For example, the following conferences organized by the IAEA in 1998 are worth mentioning: The International Conference on Topical Issues in Nuclear, Radiation and Radioactive Waste Safety and the International Conference on the Safety of Radiation Sources and the Security of Radioactive Materials.

In the past five years, an area of continued concern in the debate over the use of nuclear technologies has been the safety of spent fuel and radioactive waste management. The concerns are associated with the wastes generated by nuclear power plants and the wastes from nuclear applications in medicine, agriculture and industry, but also with the considerable potential increase in the volume of the wastes from the envisaged decommissioning of a number of nuclear power and research reactors. Hence, there is an urgent need to develop and implement disposal plans. The IAEA has assisted Member States in this area, particularly through the development of consensus on safety standards. In some areas, such as the near surface disposal of low level waste, this consensus exists, but in others — for example, geological disposal of high level waste — it has been more elusive.

Over the past few years, a particularly urgent issue has been the threat to public health arising from 'orphan' radioactive sources. The IAEA has provided assistance to check the radiological impacts of these sources that are not under the control of national authorities and helped the national authorities to take the necessary protective measures, including emergency humanitarian assistance. The IAEA is now engaged in the implementation of a plan on the safety of radiation sources and the security of material, including the development of a possible best code of conduct for use by national authorities in this area.

Another area of growing concern has been the safety of research reactors: of the more than 600 research reactors which have been built, 344 have been shut down but only 106 have been decommissioned. Many States operating research reactors still have inadequate regulatory infrastructures, and there are also other serious issues such as ageing, obsolete equipment, lack of spare parts and budgetary constraints. The IAEA's activities in this area have focused on upgrading the regulatory structure and on safety review services. More needs to be done. In the future, additional IAEA efforts are envisaged to enhance operational safety through the completion of a safety requirements document for research reactors; the increased use of advisory missions; the development of guidelines for peer reviews and self assessments; and the provision of assistance in enhancing the safety of ageing research reactors and associated spent fuel stores. Assistance will also be provided in the decommissioning of shutdown reactors.

In recent years, taking a new direction in its safety related services, the IAEA has carried out a number of radiological assessments of areas with radioactive residues from accidents and from past practices such as nuclear weapon testing and radioactive waste disposal. Such areas include some parts of the Kara and Barents Seas, the former nuclear test site near the city of Semipalatinsk (Kazakhstan), Bikini Atoll (Marshall Islands), and Mururoa and Fangataufa Atolls (France). The reports on these assessments have been published by the IAEA.

Another important issue over the past five years has been the safety of transport of radioactive materials. In an effort to assist its Member States to apply the IAEA's Transport Regulations more effectively and universally, the IAEA established a Transport Safety Appraisal Service (TranSAS) and provided training on the safe transport of radioactive materials. The IAEA also invited WHO, the European Commission, the Nuclear Energy Agency of the OECD, the International Air Transport Organization, and the International Federation of Airline Pilots Associations to work closely with it on matters relating to the safe transport of radioactive materials.

The IAEA continues to encourage research and development by supporting research contracts and agreements on a wide range of safety related subjects. At the beginning of 1998, there were almost 300 such contracts and agreements active on particular aspects of nuclear, radiation and radioactive waste safety.

Table 1 shows Regular Budget and extrabudgetary resources by major area of activity in 1999.

| **Area of Activity** | **Resources (US $ millions)** | | **%** |
|---|---|---|---|
| | **Regular Budget** | **Extra-budgetary** | |
| Nuclear Verification and Security of Material | 80.0 | 11.2 | 38.3 |
| Policy-making, Co-ordination and Support | 66.3 | 2.7 | 29.0 |
| Non-power Nuclear Applications | 31.6 | 3.5 | 14.7 |
| Nuclear, Radioactive and Waste Safety | 14.0 | 3.0 | 7.1 |
| Nuclear Power, Fuel Cycle & Waste Management | 12.5 | 0.9 | 5.6 |
| Management of Technical Co-operation | 12.5 | 0.2 | 5.3 |
| **TOTAL** | **216.9** | **21.5** | |
| **GRAND TOTAL** | **238.4** | | **100** |

**Table 1.** Regular Budget plus extrabudgetary resources (excluding TC) by major area of activity 1999.

## V. CHALLENGES TO PEACEFUL CO-OPERATION

### A. Changing times and new opportunities

In the past decade, political, economic, and technological developments have been major influences on the IAEA's work. They have presented new challenges and opportunities, requiring that the IAEA's plans and priorities be adjusted to changing realities.

Among the trends, challenges and opportunities that will influence the IAEA's course over the next five years are the following:

- The use of nuclear applications in developing countries is growing as local infrastructures improve and technology transfer increases.
- As the demand for electricity continues to increase and the drive for sustainable development gains momentum, the need to exploit energy sources with limited environmental impacts (in particular to meet commitments made in connection with the Kyoto Protocol) could revitalize the nuclear power option.
- In the context of global economic liberalization, leading to utility privatization, deregulation and diminishing State support for the nuclear power industry, there is a need to ensure that nuclear safety will not be compromised.
- As a result of the end of the Cold War, large amounts of nuclear material from the military sector became available to the civil sector, where large amounts of plutonium have already accumulated, with the attendant need for safety, security and safeguards. In addition, there is the prospect of a global ban on the production of fissile material for explosive purposes, which could entail major expansion of the IAEA's verification activities.
- As NPPs age and spent fuel and waste accumulate, more must be done to implement existing technical solutions for the management of spent fuel, for the disposal of radioactive waste and, where appropriate, for plant decommissioning and life optimization.
- Greater emphasis is being placed on the need for more effective verification of non-proliferation undertakings through strengthened safeguards covering both declared and undeclared nuclear material and activities.
- Civil society is acquiring an increasing role in shaping national and international policy, with the attendant need for enhanced and more open communication between the IAEA and the general public.
- Rapid and extensive advances in information technology will offer exceptional opportunities for new ways of working. In addition, new information technology will make better communication and outreach possible.

## B. Goals and objectives 2001—2005

In 1999, against the background of these trends, challenges and opportunities, the IAEA adopted a **Medium Term Strategy** which establishes its goals and specific objectives for the five year period from 2001 to 2005 and specifies the means proposed to meet these objectives.

The objectives set by the IAEA for the medium term are grouped under three substantive goals or pillars that will continue to form a valid basis for its work, and two complementary functional goals to ensure efficient achievement of the substantive goals. The order in which the substantive goals are presented below does not imply any judgement as to their relative importance. They are complementary and interrelated.

In this approach, the first pillar discussed - technology - is broadly related to sustainable development and the transfer of technology, in particular through the TC programme.

1. Substantive goals

   A. Enhancement of the contribution of nuclear technologies towards meeting, in a sustainable manner, the needs and interests of Member States;

   B. A comprehensive and effective worldwide nuclear safety culture;

   C. Assurances to the international community of the peaceful use of nuclear material.

2. Functional goals

   A. Effective interaction with partners and the public;

   B. Excellence in management.

Since substantive goals A and B are directed at the implementation of the IAEA's promotional functions, which are relevant to the NPT Article IV, they are outlined below.

**GOAL A**: ENHANCEMENT OF THE CONTRIBUTION OF NUCLEAR TECHNOLOGIES TOWARDS MEETING, IN A SUSTAINABLE MANNER, THE NEEDS AND INTERESTS OF MEMBER STATES

The Member States have different interests in, needs for and attitudes towards the use of nuclear technologies, which themselves change over time. In addition, developments in other technical fields have had an impact - both positive and negative - on the comparative advantages of nuclear technologies.

The threefold challenge for the IAEA in the medium term is:

- to understand how the needs and interests of Member States are changing so as to be able to respond by focusing on the appropriate nuclear technologies;
- to contribute to the objective assessment of the use of nuclear technologies and to assist Member States in the safe application of those technologies that continue to have a comparative advantage;
- to play a catalytic role in the international effort to maintain and increase knowledge, understanding and expertise in the nuclear field, particularly through the collection and dissemination of scientific information and the transfer of technology.

***Objective A.1:*** To identify and assess nuclear technologies which could be used to meet the needs and development goals of Member States.

***Objective A.2:*** To achieve a more effective use of current applications of nuclear technologies in power and non-power fields.

***Objective A.3:*** To support and facilitate the development of new and emerging applications of nuclear technologies in nuclear power and its fuel cycle, and in non-power areas.

**Priorities in Goal A:** The Statute considers Goal A to be a central part of the IAEA's work inasmuch as it has an impact on the economic and social development of Member States. Priorities under Goal A, however, continue to evolve because of changes in development aims and the comparative advantage of nuclear vis-à-vis other technologies. With regard to non-power applications, the priorities will be attached — in line with different recommendations from programme appraisals — to increasing food production, fighting disease, managing water resources and monitoring and protecting the environment. With regard to nuclear power, first priority will be given to the back end of the nuclear fuel cycle, in particular to technological solutions to waste management problems and building international consensus on disposal of high level and long lived radioactive waste. Second priority will be given to small and medium size reactors and other innovative technologies, and third priority will be given to the potential role of nuclear energy in sustainable development. Needs and interests of Member States will be regularly evaluated in order to confirm these objectives and priorities.

### GOAL B: A COMPREHENSIVE AND EFFECTIVE WORLDWIDE NUCLEAR SAFETY CULTURE

It is widely recognized today that a demonstrated high standard of nuclear, radiation and radioactive waste safety will be a determining factor for the future use of nuclear technology and that safety relies not only on good technology but, equally, on good regulatory practices and well qualified personnel. The achievement of a worldwide safety culture will be aided by the existence of effective international instruments prescribing the basic legal norms for the safe use of nuclear technology, internationally accepted standards, and assistance to States in their implementation.

The challenges to the goal of a comprehensive safety culture are:

- areas where adequate international regulation is lacking;
- IAEA standards that are not always up-to-date and areas where standards have not yet been formulated (e.g. the long term safety of radioactive waste repositories);
- inadequate implementation of standards (e.g. reactors built to earlier designs often do not meet the safety levels reflected in present-day standards);
- absence of universal acceptance of the safety review services developed by the IAEA.

Transparency and openness are important characteristics of the envisaged safety culture. For the IAEA, this implies supporting such openness in Member States and taking on a more active role in helping to raise awareness of safety issues.

***Objective B.1:*** To strengthen and promote a system of international legally binding instruments and other formal commitments.

***Objective B.2:*** To complete the development and update of standards in all areas of nuclear, radiation, transport and waste safety.

***Objective B.3:*** To achieve more effective application of safety standards in Member States.

***Objective B.4:*** To promote technological solutions for improving the safety of nuclear installations and of treatment, storage and disposal of high, intermediate and low level wastes and spent fuel.

**Priorities in Goal B:** The IAEA's objectives concerning safety related international instruments and safety standards will have high priority. The need for new international safety related instruments will also be continuously assessed. In developing new safety standards, high priority is assigned to consensus building on criteria for the safety of repositories of high level/long lived waste. The current revision of the existing safety standards will be completed early in the medium term. This will pave the way for giving increased priority to application of these standards through the promotion of education and training programmes, the provision of advisory and review services and technical co-operation. Also, the IAEA will take steps to gain more universal acceptance of its safety services and ensure proper co-ordination of efforts in the safety field with relevant organizations. In this manner, the IAEA will effectively contribute to an international safety culture.

## VI. CONCLUSION

The IAEA's activities related to Article IV of the NPT are many, diverse in scope but focused on priority needs of its Member States. These activities continue to enjoy interest and support from both donors and recipient countries although, due to its voluntary nature, the level of funding for these activities continues to be unpredictable.

Since the last NPT Review and Extension Conference in 1995, the IAEA has continued its efforts aimed at strengthening its role in the transfer of peaceful nuclear technologies to its developing Member States. A new TC strategy has been adopted and is now actively used in TC programming and implementation. Technical Departments have intensified activities in priority areas related to the transfer of nuclear technology to developing countries, especially in areas such as water resource management, environmental monitoring, radiation safety, and radioactive waste management.

Further improvement of the efficiency and effectiveness of the technology transfer activities is foreseen as a priority goal under the IAEA Medium Term Strategy covering the first five years of the 21st century. This will enhance the contribution of nuclear technologies towards meeting the needs and interests of a growing number of Member States.

As a result, the IAEA is expected to expand its role as the principal vehicle of multilateral co-operation in the peaceful use of nuclear energy.

# ABBREVIATIONS

| | |
|---|---|
| AFRA | African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology |
| APC | Assessed Programme Costs |
| ARCAL | Regional Co-operative Arrangements for the Promotion of Nuclear Science and Technology in Latin America |
| BSS | International Basic Safety Standards for Protection against Ionizing Radiation and for the Safetv of Radiation Sources |
| CPF | Country programme framework |
| CRP | Co-ordinated research project |
| FAO | Food and Agricultural Organization |
| IAEA | International Atomic Energy Agency |
| ICTP | International Centre for Theoretical Physics (Trieste, Italy) |
| INIS | International Nuclear Information System |
| NIS | Newly Independent States (of the former USSR) |
| NPP | Nuclear Power Plant |
| NPT | Treaty on the Non-Proliferation of Nuclear Weapons |
| OECD | Organisation for Economic Co-operation and Development |
| PRIS | Power Reactor Information System |
| RBMK | Light water cooled graphite moderated reactor (Soviet design) |
| RCA | Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (for Asia and the Pacific) |
| RSA | Revised Supplementary Agreement concerning the provision of technical assistance |
| SIT | Sterile insect technique |
| TC | Technical Co-operation |
| TCDC | Technical Co-operation among Developing Countries |
| TCF | Technical Co-operation Fund |
| TranSAS | Transport Safety Appraisal Service |
| WANO | World Association of Nuclear Operators |
| WHO | World Health Organization |
| WWER | Water cooled water moderated energy reactor (Soviet design) |

2000 Review Conference of the
Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/11
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# ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELEVANT TO ARTICLE V OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Background Paper Prepared by the Secretariat of the IAEA

February 2000

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# Article V of the NPT

1. "Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements."

# ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELEVANT TO ARTICLE V OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

## I. History of IAEA Activities

2. The IAEA activities relevant to Article V of the Treaty on the Non-Proliferation of Nuclear Weapons in relation to nuclear explosions for peaceful purposes (PNEs) began in the late sixties on recommendations of the 1968 UN Conference of Non-Nuclear Weapon States (CNNWs)[1] and the decision of the IAEA General Conference in 1968[2]. The United Nations General Assembly subsequently in the same year asked the Secretary General for a report on the establishment within the framework of the IAEA of an international service for nuclear explosions for peaceful purposes under appropriate international control. The Agency convened a series of international technical panels between 1970 and 1976 for the review and dissemination of scientific and technical information on the subject and continued to monitor the literature on PNEs and information on this topic under the International Nuclear Information System (INIS). A glossary of relevant technical terms in four languages (English, French, Russian and Spanish) was completed and published in 1980.[3] A bibliography of literature related to PNEs was first published in 1967[4] and later revised and published in 1980[5].

3. The activities performed by the Agency in this context during the period 1969 to February 1976 were reported to the First Review Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in document, NPT/CONF/12 and Add.1. Over the succeeding years the Agency has submitted to the NPT Review Conferences reports on its activities in the field of PNEs. These reports may be found in documents: NPT/CONF.II/8 (1980), NPT/CONF.III/11 (1985), NPT/CONF.IV/14 (1990) and NPT/CONF.1995/9.

4. In the Final Declaration of the First Review Conference in 1975,[6] the parties to the NPT recognized the IAEA's responsibility and technical competence in connection with PNEs. The Conference considered the IAEA to be the appropriate international body, referred to in Article V of the Treaty, through which potential benefits from PNEs could be made available to any non-nuclear weapon state. Commending the IAEA for its work in this field, the Conference emphasized the Agency's central role in matters relating to the provision of services for PNEs.

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[1] United Nations document A/7277, resolutions H. IV and H. I.

[2] General Conference resolution GC (XII)/RES/245.

[3] IAEA-TECDOC-226

[4] Bibliographical series, STI/PUB/21/38

[5] Bibliographical series, STI/PUB/21/43

[6] NPT/CONF/35/I

5. In 1975 the Board of Governors of the Agency set up an Ad Hoc Advisory Group on PNEs, which had meetings between September 1975 and August 1977. The Advisory Group was tasked to advise the Board, within the Agency's sphere of competence, on the structure and content of the agreement or agreements necessary under Article V of the NPT. The final report of the Advisory Group (IAEA document GOV/1854, which was annexed to NPT/CONF/II/8) was submitted to the Board of Governors. The report listed principles to be considered in formulating international arrangements for providing PNEs in accordance with the NPT. It also provided proposals for a possible structure of such agreement(s). In response to this report, the Board resolved:[7]

- to keep the subject matter of the report under review and to continue consideration of the matter when appropriate;
- that the services of the Ad Hoc Advisory Group should continue to be available as required;
- to request the Director General to distribute the report to IAEA Member States and to the Secretary-General of the United Nations for the information of its Member States, and to keep the Member States and the Board informed of any developments concerning the subject matter of the report.

The Advisory Group has not met since 1977.

6. In 1976 an IAEA fact finding mission was undertaken to the Qattara Depression in Egypt on invitation of the Egyptian Ministry of Electricity and Energy. The mission did not lead to a request for specific PNE related services. No other requests for PNE-related services or information have been received by the IAEA. Nor has the Agency been informed of any request for PNE related services directed to those states parties to the NPT which possessed nuclear explosive devices.

7. The Third Review Conference of the Parties to the NPT confirmed in 1985 the Agency's role under Article V, but also noted that the potential benefits of the peaceful applications of nuclear explosions had not yet been demonstrated. Although agreement was not reached on a Final Document for the Fourth Review Conference in 1990, the States Parties, in their consideration of Article V of the NPT, once again expressed the view that, if the potential for safe and peaceful applications of nuclear explosions were demonstrated, which it had not been, the IAEA would be the appropriate body through which any such applications would be made available to non-nuclear-weapon States.

The draft report of Main Committee III of the Review and Extension Conference of the NPT in 1995 stated, *inter alia*, concerning Article V:

> "2. The Conference records that the potential benefits of the peaceful applications of nuclear explosions envisaged in article V of the Treaty have not materialized. In this context, the Conference notes that the potential benefits of the peaceful applications of nuclear explosions have not been demonstrated and that serious

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[7] **IAEA document GOV/DEC/94(XX)/Rev.1, decision (50), (51).**

concerns have been expressed as to the environmental consequences that could result from the release of radioactivity from such applications and on the risk of possible proliferation of nuclear weapons. Furthermore, no requests for services related to the peaceful applications off nuclear explosions have been received by IAEA since the Treaty entered into force. The Conference further notes that no State party has an active programme for the peaceful application of nuclear explosions.

3. The Conference therefore recommends that the Conference on Disarmament take this situation and future developments into account when negotiating a comprehensive nuclear test-ban treaty."

## II. Comprehensive Nuclear Test Ban Treaty

8 The Comprehensive Nuclear-Test-Ban Treaty (CTBT) was opened for signature on 24 September 1996. As of 13 October 1999, 153 States have signed the CTBT and instruments of ratification have been deposited by 51 States. Under Article I of the Comprehensive Nuclear-Test-Ban Treaty:

> "1. Each State party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.
>
> 2. Each State party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion."

Peaceful nuclear explosions are thus prohibited by the CTBT.

9. At the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty held in Vienna in October 1999 the signatories and the ratifiers of the CTBT unanimously reaffirmed in the Final Declaration "their commitment to the Treaty's basic obligations and their undertaking to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force."

## III. IAEA Activities since 1995

10. Apart from the addition of a few entries related to PNEs conducted in the past to the INIS (International Nuclear Information System) database, the IAEA has not been engaged in activities related to nuclear explosions for peaceful purposes during 1995-1999.

NPT/CONF.2000/12

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 April 2000
English
Original: Spanish

New York, 24 April-19 May 2000

## Memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean prepared for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. On the occasion of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) presented a background document on the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), which was circulated as an official document of the Conference (NPT/CONF.1995/10).

2. Pursuant to the request of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the General Secretariat of OPANAL presents a description of the most relevant political developments that have taken place since the Review and Extension Conference of May 1995.

### States acceding to the Treaty of Tlatelolco

3. The universality of the Treaty of Tlatelolco in the region has been strengthened with the accession of the following States:

- Saint Lucia on 2 June 1995;
- Saint Kitts and Nevis on 14 February 1997;
- Guyana on 14 May 1997.

4. To date, all 33 States in the Latin American and Caribbean region have signed the Treaty of Tlatelolco. Thirty-two States have ratified the Treaty and waived article 28 (article 29 of the amended Treaty) and are now full Parties to the Treaty. Cuba signed the Treaty in March 1995, but has not yet ratified it.

### Amendments to the Treaty of Tlatelolco

5. First amendment (resolution 267(E-V)), which adds to the official title of the Treaty the words "and the Caribbean":

- Signed by Cuba;
- Ratified by Argentina, Barbados, Belize, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Jamaica, Mexico, Paraguay, Peru, Suriname, Uruguay and Venezuela.

6. Second amendment (resolution 268 (XII)), which replaces paragraph 2 of former article 25 of the Treaty:

- Signed by Cuba;
- Ratified by Argentina, Barbados, Brazil, Chile, Colombia, Costa Rica, Guyana, Jamaica, Mexico, Paraguay, Peru, Suriname, Uruguay and Venezuela.

7. Third amendment (resolution 290 (E-VII)), which amends articles 14, 15, 16, 19 and 20 of the Treaty:

- Signed by Cuba;
- Ratified by Argentina, Barbados, Belize, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Guyana, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Suriname, Uruguay and Venezuela.

8. A table of the status of signatures and ratifications of the Treaty of Tlatelolco and its amendments (annex I) is attached to this memorandum. The amendments to the Treaty of Tlatelolco are binding on the States Parties that have signed and ratified them.

### International Atomic Energy Agency (IAEA) international nuclear safeguards

9. Article 13 of the Treaty of Tlatelolco states that "Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities". In fulfilment of that mandate, the following States have concluded agreements with IAEA:

- Saint Lucia (June), Barbados (August) and Antigua and Barbuda (September) in 1996;
- The Bahamas (February), Belize (March), Dominica (March), Saint Kitts and Nevis (March) and Saint Vincent and the Grenadines (March) in 1997;
- Confirmation by IAEA of the conclusion of the safeguards agreement with Guyana, which was signed in March 1997, is still pending;
- The safeguards agreement with Haiti is known to have been concluded in 1975, but the official notification from Haiti to IAEA that the State has fulfilled the constitutional requirements for the entry into force of the agreement is still pending;
- With regard to the Additional Protocols to the Treaty of Tlatelolco, OPANAL has learnt from unofficial sources that the Government of France last February concluded its safeguards agreements with IAEA and the European Atomic Energy Community (EURATOM). Official notification from the French Government is still pending.

### Convention on the Privileges and Immunities of OPANAL

10. In compliance with article 22 (article 23 of the amended Treaty) of the Treaty of Tlatelolco, which prescribes the Convention on the Privileges and Immunities of OPANAL and of the representatives of the Contracting Parties accredited to the Agency in the territories of its member States, the following States have signed or ratified the Convention:

- Chile deposited its instrument of ratification of the Convention on 17 June 1997;
- Paraguay deposited its instrument of ratification of the Convention on 18 August 1997;
- Guatemala signed the Convention on 29 September 1998.

### Council of OPANAL

11. The XIV Regular General Conference of OPANAL, which was held in Viña del Mar, Chile, in March 1995, elected Argentina, Belize and Chile to replace Bolivia, Ecuador and Uruguay as members of the Council for the 1995-1999 term.

12. The XV Regular General Conference of OPANAL, which was held in Mexico, in July 1997, elected Panama and Peru to replace Colombia and Mexico as members of the Council for the 1997-2001 term.

13. The XVI Regular General Conference of OPANAL, which was held in Lima, in December 1999, elected Brazil, Costa Rica and Mexico to replace Argentina, Belize and Chile as members of the Council for the 2000-2003 term.

### Commission on Contributions, Administrative and Budgetary Matters

14. Since the Commission on Contributions, Administrative and Budgetary Matters of OPANAL (CCAAP) was established in 1977, its members have been Colombia, Costa Rica, Mexico, Uruguay and Venezuela.

15. The XVI Regular General Conference of OPANAL elected for the 2000-2003 term a new CCAAP whose members are Chile, Jamaica, Mexico, Peru and Venezuela. It also elected Brazil as a member of CCAAP for a term of one year, to begin on 1 January 2000.

### Strengthening of OPANAL

16. In compliance with resolution CG/E/Res.339 (E-X) of the Tenth Special General Conference of OPANAL, held on 5 December 1995, the General Secretariat of OPANAL established an Ad Hoc Open-ended Working Group on the Strengthening of OPANAL, which was installed by the Council of OPANAL on 11 January 1996. The Working Group was comprised of representatives of the following States: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Jamaica, Mexico, Nicaragua, Panama, Peru and Venezuela. It held six meetings and issued a final report to the Council of OPANAL, which submitted the report to the XII Special General Conference, held in Mexico in November 1997.

17. The topic of the strengthening of OPANAL has been under continuous review by the Council and General Conference of OPANAL. Lastly, the XVI Regular General Conference of OPANAL, held in Lima from 30 November to 1 December 1999, approved resolution CG/Res.388 on the strengthening of OPANAL, which clearly defines the future activities of OPANAL and of the General Secretariat (see annex II).

### Lima Appeal

18. The XVI Regular General Conference of OPANAL, held in Lima, Peru, adopted by consensus resolution CG/Res.387, dated 30 November 1999, which approved the Lima Appeal, intended to raise international public awareness as a step towards the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction. In the resolution, the Conference also issued an appeal to nuclear-weapon States to adopt political decisions for the destruction and prohibition of such weapons. The document, which is political in nature, also contains an appeal to the world community to follow the example of the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba for the establishment of new nuclear-weapon-free zones (see annex III).

### Treaty of Tlatelolco and Treaty on the Non-Proliferation of Nuclear Weapons

19. Chile acceded to the Treaty on the Non-Proliferation of Nuclear Weapons during the 1995 Review and Extension Conference. Brazil followed on 18 September 1998. To date, of the 33 States of the Latin American and Caribbean region, 32 are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Treaty of Tlatelolco. Only Cuba, which has signed the Treaty of Tlatelolco and the amendments thereto, is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons.

### Nuclear testing and the Comprehensive Nuclear-Test-Ban Treaty (CTBT)

20. Article 18 of the Treaty of Tlatelolco permits under very strict conditions nuclear explosions for peaceful purposes. Nevertheless, the fact that the Latin American and Caribbean States have signed and ratified the Treaty of Tlatelolco and are therefore full parties to that Treaty, which definitively prohibits the parties thereto from developing or possessing nuclear weapons, may be interpreted as a prohibition against nuclear tests.

21. In addition, the following Latin American and Caribbean States have to date signed and ratified the Comprehensive Nuclear Test-Ban Treaty: Argentina, Bolivia, Brazil, El Salvador, Grenada, Mexico, Panama and Peru. Thus far, the following States of the region have signed it only: Antigua and Barbuda, Chile, Colombia, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Paraguay, Saint Lucia, Suriname, Uruguay and Venezuela.

22. The Council of OPANAL, as the political organ of the Agency, at the time expressed its deep regret at the series of nuclear tests carried out by China and France in 1995.

23. The Council of OPANAL also strongly condemned the nuclear tests conducted in May 1998 by India and Pakistan.

### Seminars and activities with other international organizations

24. Pursuant to the mandate of the Treaty of Tlatelolco, the General Secretariat of OPANAL convened and organized the following international events in its field of competence:

- The international seminar on IAEA safeguards, "Verifying compliance with non-proliferation commitments", was held on 25 and 26 April 1996, in Kingston, Jamaica, co-sponsored by IAEA and with the participation of the Director-General of that Agency, Dr. Hans Blix, and other senior Agency officials as well as delegations from the 33 signatory States of the Treaty of Tlatelolco;

- On the occasion of the thirtieth anniversary of the opening for signature of the Treaty of Tlatelolco and under the co-sponsorship of the United Nations Institute for Disarmament Research (UNIDIR) and the Government of Mexico, the international seminar on the subject "Nuclear-weapon-free zones in the next century" was held on 13 and 14 February 1997, in Mexico, with the participation of renowned international speakers and representatives of all States signatories or observers to or bound by the Treaty of Tlatelolco;
- An international seminar on the topic "Disarmament and security: a new agenda for Latin America and the Caribbean for the next millennium" was held from 1 to 3 December 1999, in Lima, Peru, co-sponsored by the United Nations Department for Disarmament Affairs, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean and the Government of Peru, and with the presence and participation of the United Nations Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala and other renowned international experts in the field. Representatives of States Parties, observer States, and States bound by the Treaty of Tlatelolco also participated.

### Nuclear-weapon-free zones

25. During the period since 1995, the General Secretariat of OPANAL has maintained regular contact with other nuclear-weapon-free zones, whose representatives also participated in the Mexico seminar on nuclear-weapon-free zones and in the Lima seminar on disarmament.

26. At the invitation of the Government of the Arab Republic of Egypt, the General Secretary of OPANAL participated in the ceremony marking the opening for signature of the Treaty of Pelindaba, in Cairo, Egypt, on 12 May 1996.

27. The General Secretary participated in the international conference on nuclear-weapon-free zones in Central Asia, which was held in Tashkent, on 15 September 1997.

28. The General Secretary also participated in a seminar on the Treaty on the Non-Proliferation of Nuclear Weapons, held in Bangkok, in November 1997, and met with the Thai authorities concerned with the Treaty of Bangkok.

29. At the invitation of the United Nations Department for Disarmament Affairs, the General Secretary participated in the Regional Conference on Disarmament in Asia and the Pacific, on the theme of "Security concepts in a changing world", which was held in Ulaan Baatar, from 3 to 5 August 1999.

30. The XVI General Conference of OPANAL, which was held in Lima, in December 1999, requested the General Secretary to elaborate a proposal with the specific objectives of convening an international conference of the parties to nuclear-weapon-free zone treaties, and to formulate a programme to increase the exchange of information and experiences with other nuclear-weapon-free zones, in particular on the prohibition of nuclear tests, non-proliferation, nuclear disarmament and the establishment of cooperation programmes with these or new nuclear-weapon-free zones.

# Annex I

## Status of Signatures and Ratifications of the Treaty of Tlatelolco

Opened for signature: 14 February 1967
Entry into force: 25 April 1969
Depositary: Mexico

| | | | | Res. 267 (E-V) | | Res. 268 (XII) | | Res.290 (E-VII) | |
|---|---|---|---|---|---|---|---|---|---|
| | *Treaty of Tlatelolco* | | | *Amendment Art. 7* | | *Amendment Art. 25* | | *Arts. 14, 15, 16, 19, 20* | |
| *Country* | *Signature* | *Ratification* | *Art. 28* | *Signature* | *Ratification* | *Signature* | *Ratification* | *Signature* | *Ratification* |
| Antigua and Barbuda | 11 Oct. 83 | 11 Oct. 83 | 11 Oct. 83 | | | | | | |
| Argentina | 27 Sept. 67 | 18 Jan. 94 | 18 Jan. 94 | 10 Dec. 90 | 18 Jan. 94 | 14 Oct. 91 | 18 Jan. 94 | 26 Aug. 92 | 18 Jan. 94 |
| Bahamas | 29 Nov. 76 | 26 Apr. 77 | 26 Apr. 77 | 18 Mar. 92 | | | | | |
| Barbados | 18 Oct. 68 | 25 Apr. 69 | 25 Apr. 69 | 14 Feb. 97 | 14 Feb. 97 | 14 Feb. 97 | 14 Feb. 97 | 14 Feb. 97 | 14 Feb. 97 |
| Belize | 14 Feb. 92 | 09 Nov. 94 | 09 Nov. 94 | 23 Nov. 95 | 23 Nov. 95 | | | 23 Nov. 95 | 23 Nov. 95 |
| Bolivia | 14 Feb. 67 | 18 Feb. 69 | 18 Feb. 69 | 10 Dec. 90 | | 10 Sep. 91 | | 31 Aug. 92 | |
| Brazil | 09 May 67 | 29 Jan. 68 | 30 May 94 | 05 Dec. 90 | 30 May 94 | 23 Jan. 92 | 30 May 94 | 26 Aug. 92 | 30 May 94 |
| Chile | 14 Feb. 67 | 09 Oct. 74 | 18 Jan. 94 | 16 Jan. 91 | 18 Jan. 94 | 03 Sep. 91 | 18 Jan. 94 | 26 Aug. 92 | 18 Jan. 94 |
| Colombia | 14 Feb. 67 | 04 Aug. 72 | 06 Sep. 72 | 05 Dec. 90 | 18 Jan. 99 | 10 Sep. 91 | 18 Jan. 99 | 14 Dec. 92 | 18 Jan. 99 |
| Costa Rica | 14 Feb. 67 | 25 Aug. 69 | 25 Aug. 69 | 10 Dec. 90 | 20 Jan. 99 | 03 Sep. 91 | 20 Jan. 99 | 26 Aug. 92 | 20 Jan. 99 |
| Cuba* | 25 Mar. 95 | | | 05 Dec. 95 | | 05 Dec. 95 | | 05 Dec. 95 | |
| Dominica | 02 May 89 | 04 June 93 | 25 Aug. 93 | | | | | | |
| Dominican Republic | 28 July 67 | 14 June 68 | 14 June 68 | 16 Jan. 91 | | 10 Sep. 91 | | 26 Aug. 92 | 27 Mar. 98 |
| Ecuador | 14 Feb. 67 | 11 Feb. 69 | 11 Feb. 69 | 05 Dec. 90 | 18 Oct. 95 | 13 Sep. 91 | | 26 Aug. 92 | |
| El Salvador | 14 Feb. 67 | 22 Apr. 68 | 22 Apr. 68 | 21 Feb. 91 | 22 May 92 | 10 Sep. 91 | | 08 Sep. 92 | |
| Grenada | 29 Apr. 75 | 20 June 75 | 20 June 75 | 17 Sep. 91 | 17 Sep. 91 | 17 Sep. 91 | | | |
| Guatemala | 14 Feb. 67 | 06 Feb. 70 | 06 Feb. 70 | 10 Dec. 90 | 21 Aug. 98 | 23 Oct. 97 | | 26 Aug. 92 | |
| Guyana | 16 Jan. 95 | 16 Jan. 95 | 14 May 97 | 16 Jan. 95 | 16 Jan. 95 | 16 Jan. 95 | 16 Jan. 95 | 16 Jan. 95 | 16 Jan. 95 |
| Haiti | 14 Feb. 67 | 23 May 69 | 23 May 69 | 16 Jan. 91 | | 21 Jan. 92 | | 22 Oct. 92 | |
| Honduras | 14 Feb. 67 | 23 Sep. 68 | 23 Sep. 68 | 16 Jan. 91 | | 04 May 92 | | 26 Aug. 92 | |
| Jamaica | 26 Oct. 67 | 26 June 69 | 26 June 69 | 21 Feb. 91 | 13 Mar. 92 | 17 Sep. 91 | 17 May 95 | 08 June 93 | 17 May 95 |
| Mexico | 14 Feb. 67 | 20 Sep. 67 | 20 Sep. 67 | 05 Nov. 90 | 24 Oct. 91 | 02 Sep. 91 | 10 Apr. 92 | 26 Aug. 92 | 01 Sep. 93 |
| Nicaragua | 15 Feb. 67 | 24 Oct. 68 | 24 Oct. 68 | 10 Dec. 90 | | 28 Jan. 92 | | 26 Aug. 92 | 08 Nov. 99 |
| Panama | 14 Feb. 67 | 11 June 71 | 11 June 71 | | | | | | |

| Country | Treaty of Tlatelolco |  |  | Amendment Art. 7 |  | Amendment Art. 25 |  | Arts. 14, 15, 16, 19, 20 |  |
|---|---|---|---|---|---|---|---|---|---|
|  | *Signature* | *Ratification* | *Art. 28* | *Signature* | *Ratification* | *Signature* | *Ratification* | *Signature* | *Ratification* |
| Paraguay | 26 Apr. 67 | 19 Mar. 69 | 19 Mar. 69 | 19 Feb. 91 | 22 Oct. 96 | 21 Jan. 92 | 22 Oct. 96 | 26 Aug. 92 | 22 Oct. 96 |
| Peru | 14 Feb. 67 | 04 Mar. 69 | 04 Mar. 69 | 05 Dec. 90 | 14 July 95 | 21 Jan. 92 | 14 July 95 | 09 Feb. 93 | 14 July 95 |
| Saint Kitts and Nevis | 18 Feb. 94 | 18 Apr. 95 | 14 Feb. 97 | 18 Feb. 94 |  | 18 Feb. 94 |  | 18 Feb. 94 |  |
| Saint Vincent and the Grenadines | 14 Feb. 92 | 14 Feb. 92 | 11 May 92 |  |  |  |  |  |  |
| Saint Lucia | 25 Aug. 92 | 02 June 95 | 02 June 95 |  |  |  |  |  |  |
| Suriname | 13 Feb. 76 | 10 June 77 | 10 June 77 |  | 13 June 94AC |  | 13 June 94AC |  | 13 June 94AC |
| Trinidad and Tobago | 27 June 67 | 03 Dec. 70 | 27 June 75 |  |  |  |  |  |  |
| Uruguay | 14 Feb. 67 | 20 Aug. 68 | 20 Aug. 68 | 16 Nov. 90 | 30 Aug. 94 | 17 Sep. 91 | 30 Aug. 94 | 26 Aug. 92 | 20 Feb. 95 |
| Venezuela | 14 Feb. 67 | 23 Mar. 70 | 23 Mar. 70 | 16 Jan. 91 | 14 Feb. 97 | 10 Sep. 91 | 14 Feb. 97 | 26 Aug. 92 | 14 Feb. 97 |

Additional Protocol I

| *Country* | *Signature* | *Ratification* |
|---|---|---|
| France | 02 Mar. 79 | 24 Aug. 92 |
| Netherlands | 15 Mar. 68 | 26 July 71 |
| United Kingdom | 20 Dec. 67 | 11 Dec. 69 |
| United States | 26 May 77 | 23 Nov. 81 |

Additional Protocol II

| *Country* | *Signature* | *Ratification* |
|---|---|---|
| People's Republic of China | 21 Aug. 73 | 02 June 74 |
| France | 18 July 73 | 22 Mar. 74 |
| Russian Federation | 18 May 78 | 08 Jan. 79 |
| United Kingdom | 20 Dec. 67 | 11 Dec. 69 |
| United States | 01 Apr. 68 | 12 May 71 |

* Not a full member.

| | |
|---|---|
| Res. 267 (E-V) | Addition of the words "and the Caribbean" |
| Res. 268 (XII) | Replacement of paragraph 2 of art. 25 |
| Res. 290 (E-VII) | Amendments to articles 14, 15, 16, 19 and 20 |

The amendments to the Treaty of Tlatelolco are binding on States Parties that have signed and ratified it

AC - Accession

31 March 2000

# Annex II

## Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

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**XVI Regular Session of the General Conference**
Agenda item 14
Lima, Peru, 30 November and 1 December 1999

### RESOLUTION CG/Res.388

### THE STRENGTHENING OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN (OPANAL)

**The General Conference,**

**Taking into account** resolutions 339 (E-X), 358 (XV) and 368 (E-XII), relative to the mandate received by the Council and the Secretariat General of the Agency to continue the study in order to promote measures and actions destined to strengthen OPANAL;

**Recalling** the recommendations contained in the Report of the Ad Hoc Working Group for the Strengthening of OPANAL, on which consensus exists for their application and which do not require amendments to the Treaty of Tlatelolco;

**Considering** the advances in the deliberations regarding this issue in the Agency's Council and the strategic necessity to take action on those items, upon which consensus exists, during the years 2000 and 2001;

**Having examined** the Report of the Secretary General on the Strengthening of OPANAL, presented to the General Conference,

**Resolves:**

1. **To request** that the Secretary General of the Agency, with the approval of the Council, prepare a proposal containing the specific objectives for holding an international conference of the parties of the Nuclear-Weapon-Free Zones (NWFZs); and establish contacts with the authorities of other NWFZs in order to express interest in holding said conference and ascertain their opinion; as well as the presentation to the Council of a report on the development of the contacts made regarding the issue.

**To request** that the Council, based on the report presented by the Secretary General regarding the contacts mentioned in the previous paragraph, follow up on the development of this initiative with a view to requesting that the UN Millennium Assembly distribute it.

2. **To instruct** the Secretary General that he draft a program that shall continue and increase the exchange of information and experience with other NWFZs, in which areas of common interest are identified, in particular regarding the prohibition of nuclear testing, non-proliferation, nuclear disarmament, and if appropriate, the establishment of cooperation programs within the areas of competence that the Treaty of Tlatelolco assigns to OPANAL.

3. **To exhort** the Secretary General that he identify and submit for the consideration of the Council proposals for the promotion of common steps that could be presented to the authorities of other NWFZs.

4. **To request** that the Secretary General draft, as soon as possible, a program for the strengthening of OPANAL as an institution that includes the support of a small professional group in order to increase the analytical capacity of the Agency in the field of nuclear disarmament and non-proliferation and optimize the quality of the documentation.

**To instruct** the Secretary General that he present the Council with proposed agreements of cooperation with the Secretariat General of the United Nations for the assigning of analysts from the Department of Disarmament Affairs and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean for the purposes of the studies that the Council requests.

**To authorize** the Secretary General to invite the States parties to support, to the extent that their means allow, the Agency by designating national specialists in the field.

**To urge** the Secretary General to continue maintaining the exchange of information with non-governmental organizations on issues of interest to OPANAL that, with the approval of the Council, he considers pertinent for presentation to the Member States of the Agency, in accordance with article 11 (5) of the Treaty of Tlatelolco.

5. **To strengthen** even more relations with the International Atomic Energy Agency (IAEA) and request that the Secretary-General meet with the authorities of that Agency, regarding the functioning of the Control System established by the Treaty of Tlatelolco in light of its most recent amendments and present to the Council a report on the possibility and appropriateness of updating the Cooperation Agreement signed by both parties in October 1972.

**To instruct** that the Secretary General establish contact with the authorities of the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America (ARCAL) in order to exchange information about the cooperation projects within the competencies of OPANAL.

6. **To instruct** that the Secretary General draft a program of work to reinforce cooperation with other regional organizations as well as those in the region, like the Brazilian-Argentine Agency for Accounting and Control (ABACC), based on objectives in harmony with the purposes of the Treaty of Tlatelolco and that take the financial consequences for the Agency's budget into account.

7. **To request** that the Secretary General draft a program of work to develop and strengthen OPANAL's relations with the new international agencies created to supervise disarmament, non-proliferation, and arms control measures anywhere in

the world, in accordance with article 20 of the Treaty. The program should be based on clear objectives that are in harmony with the purposes of the Treaty of Tlatelolco.

8. **To exhort** the Secretary General to present to the Council a detailed program with the objectives and purposes of his participation in international fora and organizations, as well as the reports and results of said activities. His participation should be based on objectives in harmony with the purposes of the Treaty of Tlatelolco and take the financial consequences for the Agency's budget into account.

9. **To encourage** the Secretary General to continue undertaking activities and programs in harmony with the purposes of the Treaty of Tlatelolco that are not specifically mentioned in the budget, based on funding from new sources, with the prior approval of the Council, without implying a decrease in the Agency's autonomy.

10. **To instruct** the Council and the Secretary General to keep Resolution 368, operative paragraph 1, subparagraph (b) under constant study.

Adopted at the 90th session
30 November 1999

# Annex III

## Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

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## XVI Regular Session of the General Conference

Lima, Peru, 30 November and 1 December 1999

### RESOLUTION CG/Res.387

### THE LIMA APPEAL

**The General Conference,**

The "Lima Appeal" having been approved by the Member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the Parties to the Treaty of Tlatelolco, during its XVI Regular Session of the General Conference held in Lima, Peru, on 30 November-1 December 1999,

**Resolves:**

**To request** that the Secretary General of OPANAL execute the corresponding actions in order for the "Lima Appeal" to be distributed as an official document for the Session of the Millennium General Assembly of the United Nations.

Adopted at the 90th session
30 November 1999

## THE LIMA APPEAL

The Member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), during the XVI Ordinary Session of the General Conference held in Lima, Peru from 30 November to 1 December 1999:

**Aware:**

That Latin America and the Caribbean is the first densely populated region in the world that has consolidated its political will to prohibit nuclear weapons, through the full compliance of the Treaty of Tlatelolco;

That Nuclear-Weapon-Free-Zones represent an important means to reach further, general and complete disarmament under reliable international control.

**Convinced:**

That the current context offers us the appropriate opportunity to prohibit and eradicate forever the nuclear weapons, the international community must begin the third millennium with the commitment to move towards such an objective, following a legitimate aspiration of humankind;

That no effort towards a complete and immediate prohibition of the use or manufacture of nuclear weapons or towards preventing its proliferation, will have the result sought by the international community if it is not manifested in the general will from the countries who possess nuclear weapons and those who do not;

**Make an appeal to International Community:**

With the purpose of creating an international public awareness in order to advance in every field of action towards a complete prohibition of the use and manufacture of nuclear weapons and other weapons of mass destruction; and particularly to the nuclear powers for the adoption of the political will that constitutes their firm commitment to the total destruction and prohibition of such weapons, in accordance with the text and the spirit of Resolution 808 (IX) unanimously approved by the General Assembly of the United Nations, and following the concern expressed by the International Community that is reflected in Resolution 53/77 "Y" "Towards a nuclear weapons free world: the need for a new agenda" dated 4 December 1998.

We also appeal to the world community to follow the example of the Treaty of Tlatelolco, Pelindaba, Bangkok and Rarotonga, to join their decisions and political will towards the creation of new Nuclear-Weapon-Free Zones in other inhabited regions of the planet.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

15 March 2000

Original: English

New York
24 April-19 May 2000

## Memorandum on activities relating to the South Pacific nuclear-free-zone treaty

### Submitted by the Secretariat of the South Pacific Forum

## Introduction

1. At its meeting at Rarotonga, Cook Islands, in August 1985, the South Pacific Forum agreed to adopt and open for signature the South Pacific Nuclear-Free-Zone Treaty (Rarotonga Treaty).

2. The Rarotonga Treaty is based on broad principles for Pacific countries to:

(a) Be free to live in peace and independence and to run their own affairs in accordance with the wishes and traditions of their people;

(b) Enjoy peaceful, social and economic development free from the threat of environmental pollution;

(c) Acknowledge existing international treaties, organizations and regional arrangements, such as the Charter of the United Nations, the Treaty on the Non-Proliferation of Nuclear Weapons and the United Nations Convention on the Law of the Sea, which contribute to these principles;

(d) Act in accordance with applicable international principles and treaties, notably the Treaty on the Non-Proliferation of Nuclear Weapons, with respect to nuclear activities;

(e) Take account of other regional arrangements;

(f) Retain their unqualified sovereign rights to decide for themselves, consistent with their support for these principles, their security arrangements.

3. The Forum considers the Rarotonga Treaty a central part of the region's contribution to strengthening global security and the international non-proliferation regime of which the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone. Special attention is given to article VII of the Treaty, which recognizes the right of any group of States to conclude regional treaties so as to assure the total absence of nuclear weapons in their respective territories.

4. The States members of the Forum are deeply committed to world peace and security. The Rarotonga Treaty stresses the deep commitment of the States members of the Forum to the reduction and eventual elimination of nuclear weapons and to keeping the Pacific region free of environmental pollution.

5. The Rarotonga Treaty entered into force on 11 December 1986 with the deposit of the eighth instrument of ratification. Thirteen countries have signed the Treaty: Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

6. The following 12 signatories have ratified the Treaty: Australia, Cook Islands, Fiji, Kiribati, Nauru,

New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tuvalu and Vanuatu.

7. The following three States members of the South Pacific Forum have not yet signed the Rarotonga Treaty: Federated States of Micronesia, Marshall Islands and Palau.

8. As the Rarotonga Treaty is open only to States members of the South Pacific Forum, the Federated States of Micronesia and Marshall Islands became eligible to sign the Treaty only upon joining the Forum at its 18th meeting, in May 1987. Palau became eligible to sign the Treaty on joining the Forum at its 26th meeting, in September 1995.

## The Treaty

9. The South Pacific nuclear-free-zone was the second such zone to be established in a populated region of the world — the first being the Latin American zone created by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco). The South Pacific zone stretches in the west from the west coast of Australia to the boundary of the Latin American zone in the east. It extends from the Equator to 60 degrees south, where the Antarctic Treaty has already established a completely demilitarized zone covering the whole continent.

10. The Rarotonga Treaty contains a preamble, 16 articles and 4 annexes. Under its terms the parties pledge to each other:

(a) Not to possess, manufacture or acquire nuclear explosive devices anywhere; the term nuclear explosive device is used rather than nuclear weapon to emphasize that the parties do not draw a distinction between devices that have military purposes and those for which a peaceful purpose is claimed;

(b) To prevent the testing of nuclear explosive devices and to prevent the stationing of nuclear explosive devices in their territory;

(c) To take measures, including the application of full scope International Atomic Energy Agency safeguards to all peaceful nuclear activities in their territories, to prevent the diversion of fissionable material to non-peaceful purposes;

(d) Not to dump radioactive waste and other radioactive matter at sea in the zone, to prevent the dumping of such wastes or matter by anyone and not to take action to assist or encourage dumping.

11. The Rarotonga Treaty does not interfere with the right of each party to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields. It also explicitly upholds the freedom of navigation on the high seas and territorial waters guaranteed by international law.

12. The Rarotonga Treaty provides for a comprehensive control system to verify compliance with the Treaty, and there are mechanisms, including *provision for mandatory on-site inspection*, to investigate any complaints that may be made about such compliance. There are also provisions for review, amendment and withdrawal, and for the boundaries of the Zone to be extended as further countries join the Forum and become parties to the Treaty.

13. To underline the nature of the security commitment — one of the first to be undertaken on a regional basis — the right of withdrawal is not unilateral and can be affected only on 12 months' notice and solely in the event of a violation by any party of the provisions of the Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty.

## Protocols

14. In addition to the Treaty itself there are three protocols. The Forum deferred adopting them until after consultations with those countries eligible to sign them. The consultations took place in early 1986, when a delegation of officials from Forum countries visited the capital of all five nuclear-weapon States to explain the Protocols and their purpose. The seventeenth South Pacific Forum, held at Suva in August 1986, adopted the protocols with slight amendments, including the insertion of withdrawal clauses. The protocols were then opened for signature on 1 December 1986.

15. Under Protocol 1, the three nations with territory in the Zone (France, the United Kingdom of Great Britain and Northern Ireland and the United States of America) are invited to apply the basic provisions of the Treaty to their respective territories. Under Protocols 2 and 3, nuclear-weapon States would agree not to use or threaten to use nuclear explosive devices

against any party (or territory in the Zone of a party to Protocol 1), and would undertake not to test nuclear explosive devices in the Zone.

16. The Union of Soviet Socialist Republics and China signed Protocols 2 and 3 in 1986 and 1987 respectively and ratified Protocols 1 and 2 in 1988. France, the United Kingdom and the United States signed Protocols 1, 2 and 3 in 1996 and France and the United Kingdom ratified Protocols 1, 2 and 3 in 1996 and 1997 respectively. The United States has still to ratify the Protocols.

## 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

17. At its most recent meeting, held at Koror, Palau, in October 1999, the Forum encouraged its members to participate in the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to ensure that the region's concerns and priorities are taken into account in the outcomes of the Conference.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 April 2000

Original: English

New York, 24 April-19 May 2000

## Memorandum on activities relating to the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)

### Submitted by the Secretary-General of the Organization of African Unity

### Introduction

1. At its meeting in Pelindaba, South Africa, on 2 June 1995, the Organization of African Unity (OAU) agreed to establish the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba).

2. The Pelindaba Treaty is based on the following broad principles for African countries:

(a) The need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as the obligations of all States to contribute to that end;

(b) To contribute towards strengthening the non-proliferation regime, promote cooperation in the peaceful uses of nuclear energy, promote general and complete disarmament, and enhance regional and international peace and security so as to contribute to global disarmament efforts;

(c) To protect African States against possible nuclear attacks on their territories;

(d) Cognizant of existing international treaties and advantages to be derived, especially from the Treaty on the Non-Proliferation of Nuclear Weapons, to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes;

(e) To promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of the sustainable social and economic development of the African continent;

(f) To keep Africa free of environmental pollution by radioactive wastes and other radioactive matter;

(g) To cooperate with all States, governmental and non-governmental organizations committed to the non-proliferation of nuclear weapons and the establishment of nuclear-weapon-free zones, for the attainment of its objectives and/or a world entirely free of nuclear weapons.

3. The Organization of African Unity considers the Treaty of Pelindaba to be the culmination of the principles on the denuclearization of Africa espoused by the African Heads of State and Government since its inception in May 1963 and reaffirmed at its Summit in July 1964 in Cairo and subsequently pursued at various forums. The establishment of the African nuclear-weapon-free zone will further enhance global security, the international nuclear non-proliferation regime and world peace.

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* Reissued for technical reasons.

4. The Organization of African Unity, at various forums, has consistently advocated the maintenance of an African nuclear-free zone and the use of nuclear science and technology for peaceful purposes. The States members of the Treaty of Pelindaba are, as such, committed, not only to the general principles of denuclearization, but also to nuclear non-proliferation as well as the maintenance of positive collaboration with other nuclear-free zones.

5. The Treaty of Pelindaba, adopted by the sixty-second ordinary session of the OAU Council of Ministers and endorsed by the thirty-first session of the Assembly of Heads of State and Government, was, in accordance with its article 18, paragraph 1, opened for signature on 11 April 1996 in Cairo and will remain open until its entry into force.

6. To date, the Treaty has been signed by 50 member States, of which the 12 member States that have ratified have also deposited instruments of ratification with the Secretary General of OAU, in accordance with article 21, paragraph 1.

7. In application of article 18, paragraph 2, the Treaty of Pelindaba will only enter into force on the date of deposit of the twenty-eighth instrument of ratification. Although the Treaty has as such not yet entered into force, mainly owing to differing legal procedures, OAU member States have been urged to expedite ratification of the Treaty and deposit their instruments of ratification with the Secretary General of OAU.[1] It is expected that the Treaty will enter into force in due course.

## The Treaty

8. The Pelindaba Treaty contains a series of preambular paragraphs enunciating the guiding principles of the denuclearization of Africa, disarmament and the establishment of a nuclear-free zone; 22 articles and 4 annexes. Under its terms, apart from definitions/use of terms and application of the Treaty, the parties pledge to each other the following:

(a) Renunciation of nuclear explosive devices;

(b) Prevention of the stationing of nuclear explosive devices;

(c) Prohibition of the testing of nuclear explosive devices;

(d) Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture;

(e) Prohibition of dumping of radioactive wastes;

(f) Promotion of peaceful nuclear activities and verification of their peaceful uses;

(g) Protection of nuclear materials and facilities and prohibition of armed attacks on nuclear installations;

(h) Establishment of an African Commission on Nuclear Energy as a mechanism for compliance;

(i) Reporting and exchanges of information on nuclear activities;

(j) Also, articles related to: interpretation of the Treaty; reservations; duration; signature; ratification and entry into force; amendments; withdrawal; depository functions; and status of the annexes.

## Annexes

9. The four annexes to the Treaty include a map of an African nuclear-weapon-free zone and make provision for the safeguards with regard to the International Atomic Energy Agency; the role and functions of the African Commission on Nuclear Energy; and the procedure for complaints and settlement of disputes.

## Protocols

10. In addition to the Treaty and annexes, there are also three Protocols related to Treaty association with extra-continental powers. Protocol I calls upon and invites China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to enter into concert and safeguard the denuclearization of Africa; Protocol II addresses the same parties to undertake not to test or assist or encourage nuclear testing of any nuclear explosive device and not to contribute to any act that may constitute a violation of the Treaty or of the Protocol; and Protocol III calls upon and invites France and Spain to adhere similarly.

11. In spite of initial reservations by some countries, it is expected that upon the entry into force of the

Treaty of Pelindaba, the powers referred to in the Protocols will sign and ratify the Protocols.

### 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12. The Organization of African Unity has urged its members to participate fully in the 2000 Review Conference in order to support the position of the continent on the issue of denuclearization and the non-proliferation of nuclear weapons so as to ensure world peace and security.

*Notes*

[1] OAU Council of Ministers, resolution 1660 (LXIV) and United Nations General Assembly resolution 52/46.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 February 2000

Original: English

New York, 24 April-19 May 2000

## Memorandum on activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok)

### Submitted by the depositary of the Treaty of Bangkok

## A. General developments

1. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone was signed at Bangkok on 15 December 1995 by all 10 countries of South-East Asia, namely Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. Since then, the Treaty has been ratified by nine of the signatory States, and entered into force on 27 March 1997. The Treaty was registered with the United Nations on 26 June 1997.

2. The Treaty symbolizes the attempts of the countries in South-East Asia to advance the cause of peace and stability in the region and the nuclear non-proliferation regime as a whole. It is thus consistent with the long-standing programme to ensure that South-East Asia becomes a zone of peace, freedom and neutrality. It is also in line with the objectives enunciated on nuclear-weapon-free zones contained in the decisions on principles and objectives for nuclear non-proliferation and disarmament taken by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

3. At the same time, the Treaty of Bangkok incorporates various innovative elements which represent an advance over existing nuclear-weapon-free zones. For example, it takes account of the increased peaceful use of nuclear energy and places additional emphasis upon the control of nuclear wastes and the response to nuclear accidents. With the inclusion of these new elements, the Treaty may be regarded as forward-looking in nature.

4. Since the entry into force of the Treaty of Bangkok in March 1997, the Treaty Parties have been proceeding on two tracks: first, in the implementation of the provisions of the Treaty; and secondly, in obtaining support for the Treaty and its Protocol from the five nuclear-weapon States. Substantial progress has been made on both tracks.

## B. Implementation of the provisions of the Treaty

### 1. Establishment of executive organs under the Treaty of Bangkok

5. On the first track, an important step forward in the implementation of the Treaty was the convening of the Inaugural Meeting of the Commission for the South-East Asia Nuclear-Weapon-Free Zone, comprising the Foreign Ministers of the States members of the Association of South-East Asian Nations (ASEAN) in Singapore during the 32nd ASEAN Ministerial Meeting, on 24 July 1999. At the Inaugural Meeting of the Commission, the ASEAN Foreign Ministers directed the Executive Committee to

initiate all necessary actions to ensure compliance with the Treaty.

6. In accordance with the decision of the Commission, the Executive Committee for the South-East Asia Nuclear-Weapon-Free Zone, comprising the Permanent Secretaries of the Ministries of Foreign Affairs of the ASEAN countries, met for the first time in Bangkok on 12 October 1999. The Executive Committee took a decision to launch a dialogue with the International Atomic Energy Agency (IAEA) and to establish a Working Group to undertake discussions with IAEA.

7. Now that the organs of the Treaty have been established, the task of establishing detailed verification and control procedures can proceed. The Executive Committee through its Working Group will be undertaking consultations with IAEA and other relevant international organizations in this regard. At the same time, the Treaty Parties are also considering the rules of procedure and financial rules governing the work of the various organs.

### 2. Relations with the International Atomic Energy Agency and other international organizations

8. Recognizing that IAEA has an important role to play in assisting the Parties to the Treaty in fulfilling their obligations under the Treaty, the Chairman of the Executive Committee had addressed a letter to the Director-General of IAEA in November 1999, requesting that a dialogue between the parties to the Treaty of Bangkok and IAEA be launched. IAEA responded positively to that request and on 3 February 2000, the IAEA Director-General called upon the Acting Minister for Foreign Affairs of Thailand, as Chairman of the Commission, to discuss cooperation between IAEA and the Treaty Parties.

9. Pursuant to these initial approaches, a number of issues will be discussed in detailed consultations between IAEA and the Treaty Parties to be held during 2000. These would include the question of IAEA support in implementing the provisions with respect to safeguards and handling of nuclear wastes, as well as possible assistance in terms of technical cooperation programmes for the Treaty Parties.

10. In addition, in accordance with article 5 of the Treaty, all Treaty Parties that have not yet done so have been encouraged to conclude a full-scope safeguards agreement with IAEA at the earliest opportunity.

## C. Consultations with the nuclear-weapon States on the Protocol to the Treaty

11. Equally important to the efforts on the first track are the efforts on the second track relating to the Treaty Parties' ongoing consultations with the five nuclear-weapon States for them to accede to the Protocol to the Treaty of Bangkok. ASEAN attaches great importance to this objective because the Treaty would have greater meaning if the nuclear-weapon States undertake to support the Treaty by way of their accession to the Protocol.

12. In this regard, since the signing of the Treaty and even before the Treaty came into effect, ASEAN has been engaged in an ongoing process of consultations with the five nuclear-weapon States in the hope that they could accede to the Protocol as early as possible. Each of the five nuclear-weapon States have indicated reservations with various parts of the Protocol as well as the Treaty itself. Some of these reservations are common to most of the nuclear-weapon States, particularly with regard to the question of the zone of application of the Treaty and its implication for their respective nuclear deterrence policies. However, the concern of China is unique in the sense that it mainly relates to the implications of the Treaty for the question of sovereignty in the South China Sea.

13. ASEAN has made various attempts to find ways and formulations of addressing the respective concerns of the nuclear-weapon States. Through these efforts, major progress has been made vis-à-vis China, which has now accepted the formulation which ASEAN proposed to satisfy its concerns regarding the zone of application of the Treaty and Protocol and the issue of sovereignty. China has expressed its readiness to be the first country to sign the Protocol to the Treaty.

14. However, it is the intention of ASEAN to have all five nuclear-weapon States accede to the Treaty, if not at the same time, then, if possible, at the earliest opportunity. Therefore, ASEAN intends to undertake further consultations with the remaining four nuclear-weapon States in order to address their concerns as a package, including the question of the formulation of negative security assurances. At the same time, ASEAN notes that the decisions on principles and objectives for nuclear non-proliferation and disarmament contain provisions that further steps should be considered to assure non-nuclear-weapon

States against the use or threat of use of nuclear weapons.

15. ASEAN has communicated its latest position to the nuclear-weapon States, that they should approach the consultations with ASEAN with a greater sense of urgency. Although ASEAN has recently received indications that the nuclear-weapon States have been coordinating more closely on issues relating to the Treaty of Bangkok, ASEAN is still awaiting a formal response from the nuclear-weapon States.

## D. Assessment

16. The Treaty of Bangkok represents a bona fide effort by South-East Asian countries to enhance the peace and security of South-East Asia by eliminating the threat of nuclear weapons from the region. It also represents a concrete contribution to the goal of global nuclear non-proliferation as represented by the Non-Proliferation Treaty.

17. The Treaty of Bangkok represents a step forward in the development of nuclear-weapon-free zones in that it incorporates innovative elements to take into account the increasing peaceful use of nuclear energy. By according an important role for international agencies such as IAEA in assisting the Treaty Parties in the implementation of the Treaty, the Treaty is also cooperative and outward-looking in nature.

18. Important steps have been taken to ensure the effective implementation of the Treaty, including the establishment of supervisory frameworks. However, consultations are still under way with the nuclear-weapon States to obtain their support through signing the Protocol to the Treaty. At the same time, the Treaty Parties would welcome support for the Treaty of Bangkok from all States.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 April 2000

Original: English

New York, 24 April-19 May 2000

## Letter dated 2 March 2000 from the Permanent Representative of Mongolia to the United Nations addressed to the Provisional Secretary-General of the Conference

It gives me pleasure to forward herewith to you the official English translations of the Law of Mongolia (see annex I) on its nuclear-weapon-free status and of the Parliament Resolution (see annex II) on measures to be taken in connection with the passage of the above Law, adopted by the State Great Hural (Parliament) of Mongolia on 3 February 2000, both of which entered into force on the same day.

The Mongolian Parliament has adopted this legislation prior to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to contributing to the promotion of the goals of nuclear non-proliferation and to the implementation of General Assembly resolution 53/77 D of 4 December 1998, entitled “Mongolia’s international security and nuclear-weapon-free status”.

In this connection I would like to kindly request you as the Provisional Secretary-General of the forthcoming 2000 Review Conference of the Parties to the Non-Proliferation Treaty, to circulate these legislative acts as official documents of the Conference.

*(Signed)* Jargalsaikhany **Enkhsaikhan**
Ambassador
Permanent Representative

# Annex I

## Law of Mongolia on its nuclear-weapon-free status, adopted on 3 February, 2000, City of Ulaanbaatar

## CHAPTER ONE

### General provisions

Article 1. Purpose of the Law

The purpose of the present Law is to regulate relations pertaining to the preservation of the territory of Mongolia in its entirety, including its air space, land, waters and the sub-soil free from nuclear weapons, which constitutes an important factor for ensuring Mongolia's security.

Article 2. Legislation on Mongolia's nuclear-weapon-free status

2.1 The legislation on Mongolia's nuclear-weapon-free status shall consist of the Constitution of Mongolia, the present Law and other legislative acts adopted in conformity with them.

2.2 In case an international treaty to which Mongolia is a party contains provisions different from those provided for in the present Law, the provisions of the international treaty shall prevail.

Article 3. Definitions

3.1 The definitions contained in the present Law shall have the following meaning:

3.1.1 "nuclear weapon" means any explosive device that is capable of releasing nuclear energy in an uncontrollable manner and that can be used for hostile purposes;

3.1.2 "nuclear-weapon-free status" means a legal status of being free from nuclear weapons.

Article 4. Prohibitions resulting from the nuclear-weapon-free status

4.1 An individual, legal person or any foreign State shall be prohibited on the territory of Mongolia from committing, initiating or participating in the following acts or activities relating to nuclear weapons:

4.1.1 develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;

4.1.2 station or transport nuclear weapons by any means;

4.1.3 test or use nuclear weapons;

4.1.4 dump or dispose nuclear weapons grade radioactive material or nuclear waste.

4.2 Transportation through the territory of Mongolia of nuclear weapons, parts or components thereof, as well as of nuclear waste or any other nuclear material designed or produced for weapons purposes shall be prohibited.

Article 5. Uses of nuclear energy and technology

5.1 The use of nuclear energy and technology shall be permitted only by the State administrative authority in charge of nuclear energy and solely for peaceful purposes such as health care, mining, energy production and scientific research in accordance with the provisions of the international treaties to which Mongolia is a party as well as in conformity with the norms and principles of international law.

5.2 For the purpose of implementing Article 5.1 of the present Law and banning the dumping or storage in the vicinity of the borders of Mongolia of nuclear material or waste that might directly or in the long run indirectly adversely affect the safety of the population and the environment, Mongolia shall cooperate with the International Atomic Energy Agency (IAEA), other appropriate international organizations and the States that have nuclear programs.

## CHAPTER TWO

### Verification

Article 6. National verification of the implementation of the legislation on the nuclear weapon-free status

6.1 On the basis of the proposals of the central administrative authority in charge of foreign relations and of other organizations, the National Security Council of Mongolia shall, within its functions and competence, coordinate the following activities:

6.1.1 implementing of a single State policy concerning the prohibited and permitted activities pertaining to the nuclear-weapon-free status in Mongolia;

6.1.2 institutionalizing internationally Mongolia's nuclear-weapon-free status;

6.1.3 taking an active part in the activities of the appropriate international organizations, exchanging information on the prohibited and permitted activities in Mongolia and providing information to national organizations

6.2 The competent authority of Mongolia shall have the right to gather information, stop, detain and search any suspected aircraft, train, vehicle, individual or group of persons.

6.3 The central administrative authority in charge of foreign relations shall be entrusted with monitoring the compliance with the present Law and the international commitments assumed by Mongolia in connection with the nuclear-weapon-free status.

6.4 Non-governmental organizations or individuals may, within the mandate provided for by the legislation, exercise public oversight of the implementation of the legislation on the nuclear-weapon-free status and submit proposals thereon to the relevant State authority.

Article 7. International verification on the implementation of the legislation on the nuclear-weapon-free status

7.1 Mongolia shall conduct international verification over the implementation of the present Law in cooperation with the relevant international organizations or by concluding special international agreements thereon.

## CHAPTER THREE

### Liability

Article 8. Liability for violation of the legislation on the nuclear-weapon-free status

8.1 An individual or legal person that violates Article 4 of the present Law shall be held liable in accordance with the Criminal Code.

8.2 The facility, equipment, material, raw material or means of transportation used for the activities prohibited by Article 4.1 of the present Law shall be expropriated by the State.

8.3 An individual or legal person that violates the present Law shall pay compensation for the damage caused to the interests of Mongolia as well as to the population, the environment and the properties in accordance with the relevant legislation of Mongolia or in conformity with the appropriate international treaty, the principles and norms of international law.

8.4 In case of violation or suspected violation of the present Law by a foreign State, Mongolia shall, within its international treaty obligations or norms and principles of international law, officially notify the State concerned of the violation or suspected violation, request explanation and peacefully resolve any question that may arise therefrom. If deemed necessary, the International Atomic Energy Agency (IAEA) and other relevant bodies could be asked for assistance. In case of a dispute of a legal nature, measures could be taken up to referring the matter to the relevant international court or arbitration.

### Article 9. Amendment and termination of the Law

9.1 If the vital interests of Mongolia are affected, the present Law may be amended or terminated.

CHAIRMAN OF THE STATE
GREAT HURAL OF MONGOLIA

R. GONCHIGDORJ

## Annex II

## Resolution 19 of the State Great Hural of Mongolia on measures to be taken in connection with the adoption of the law on its Nuclear-weapon-free status, adopted on 3 February 2000, City of Ulaanbaatar

In its foreign policy, Mongolia sets the goal of pursuing its national interests, developing friendly cooperation with all the countries of the world as well as actively contributing, to the extent possible, to the efforts of the international community to strengthen peace and security. It is also pursuing a policy of refraining from joining any military alliance or grouping, or allowing the use of its territory against any other State as well as banning the stationing on its territory of foreign troops and weapons, including nuclear and other weapons of mass destruction. With respect to its two neighboring States, Mongolia is pursuing the policy of maintaining balanced and friendly relations and developing broad cooperation.

Mongolia consistently advocates disarmament and, on its part, is taking concrete steps to promote the goal of non-proliferation of nuclear weapons. Within the framework of this policy, in 1992 Mongolia declared its territory a nuclear-weapon-free zone and has since been pursuing the policy or and taking the measures aimed at institutionalizing and guaranteeing it. One of the results of such a policy has been the adoption by the United Nations General Assembly at its 53rd regular session on 4 December, 1998 of the resolution 53/77 D entitled "Mongolia's international security and nuclear-weapon-free status".

Keeping Mongolia's territory free of nuclear weapons is fully in line with its policy aimed at strengthening its national security by political and diplomatic means.

Strengthening Mongolia's nuclear-weapon-free status at the State policy level, further clearer defining or the status and its observance would be important in strengthening mutual confidence and Mongolia's external security environment as well as in linking the country's national security to regional security and stability.

Mongolia's nuclear-weapon-free status represents a novel approach in the practice of international relations, which in its wider context could be considered as our country's concrete contribution to the policy and efforts of the international community aimed at strengthening the regime of non-proliferation of nuclear weapons.

Based on the all above and in connection with the adoption of the Law of Mongolia on nuclear-weapon-free status, the State Great Hural of Mongolia resolves:

1. To mandate the Government /R. Amarjargal/ to take the following measures:

1/ to actively cooperate with and acquire assistance from the relevant States, international organizations, including the International Atomic Energy Agency, in implementing the Law of Mongolia on the nuclear-weapon-free status and the United Nations General Assembly resolution entitled "Mongolia's international security and nuclear-weapon-free status";

2/ to take the necessary measures to ensure normal functioning of the stations designed to monitor nuclear weapons tests, that are situated on the territory of Mongolia;

3/ to report, as the case may be, to the Standing Committee on Security and Foreign Policy Affairs of the State Great Hural of Mongolia on the implementation of the Law of Mongolia on the nuclear-weapon-free status, of the present Resolution and other legislative acts adopted in conformity with them.

2. The present Resolution shall be implemented from the day of the entry into force of the Law of Mongolia on the nuclear-weapon-free status.

CHAIRMAN R. GONCHIGDORJ

NPT/CONF.2000/17

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 April 2000

Original: English

New York, 24 April-19 May 2000

## Multilateral nuclear supply principles of the Zangger Committee

### Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee

## Introduction

1. Previous Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the "NPT Exporters Committee", essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in final documents or in Committee reports of Review Conferences from 1975, 1985, 1990 and 1995.

2. The purpose of the present working paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee's objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference of the Parties to the Treaty which in paragraph 17 of its decision on "Principles and objectives for nuclear non-proliferation and disarmament" stated that "transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty."

3. Attached to this working paper are the statements of previous NPT Review Conferences referring to the Zangger Committee.

## Zangger Committee

### Article III, paragraph 2

4. Article III, paragraph 2, of the NPT performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it provides:

> "Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially

designed or prepared for the processing, use, or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article (IAEA safeguards)."

5. The main significance of this paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment to non-nuclear weapon States not parties to the NPT unless the export is subject to International Atomic Energy Agency (IAEA) safeguards. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices, and this furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

## Zangger Committee understandings

7. Between 1971 and 1974, a group of 15 States — some already parties to the Treaty, others prospective parties — held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a common understanding on:

(a) The definition of what constituted "equipment or material especially designed or prepared for the processing, use or production of special fissionable material" (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2, on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on basic "understandings" contained in two separate memoranda. Together, these memoranda form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2; the first memorandum concerns source and special fissionable material (article III, para. 2 (a)), the second, equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, para. 2 (b)).

10. The consensus that formed the basis of the Committee's understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective domestic export control legislation.

11. Memorandum A defines the following categories of nuclear material:

(a) Source material: natural or depleted uranium and thorium;

(b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy-water production, and conversion.

13. To fulfil the requirements of article III, paragraph 2, the Zangger Committee "understandings" contain three basic conditions of supply for these items:

(a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed, or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;

(b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with IAEA;

(c) Source or special fissionable material, and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

14. The understandings were formally accepted by individual States members of the Committee in an exchange of notes among themselves. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did in INFCIRC/209, dated 3 September 1974.

### "Trigger list" and its clarification

15. The two memoranda became known as the "trigger list", since the export of listed items "triggers" IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or special fissionable material or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA.

16. Attached to the trigger list is an annex "clarifying", or defining, the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has thus become increasingly detailed. To date, eight clarification exercises have taken place. Clarifications are conducted on the basis of consensus, using the same procedure followed in the adoption of the original understandings.

17. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee (dates are for publication of modifications and revisions of INFCIRC/209):

(a) In **December 1978**, the annex was updated to add heavy-water production plants and equipment, and a few specific items of isotope separation equipment for uranium enrichment;

(b) In **February 1984**, further detail was added to the annex to take account of technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In **August 1985**, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In **February 1990**, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In **May 1992**, specific items of equipment were added to the section on heavy-water production;

(f) In **April 1994**, the enrichment section of the annex was subject to its most significant expansion yet. Existing portions of the section were updated, and detailed lists of equipment were added for the enrichment processes of aerodynamic, chemical and ion exchange, laser-based plasma, and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In **May 1996**, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements as well as on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In **March 2000**, a new section on uranium conversion was added. This section also contains elements transferred from section 3 (reprocessing).

All these changes of the list are included in the recently published new version of the Zangger Committee understandings as IAEA document INFCIRC/209/Rev.2.

### Membership

18. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 35 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia,

Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America). Six States (Argentina, China, Republic of Korea, Slovenia, Turkey and Ukraine) have joined the Committee since the 1995 NPT Review and Extension Conference. The Commission of the European Union attends the meetings as permanent observer. Any party that is an actual or potential nuclear supplier and is prepared to implement the Committee's understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interest of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. NPT parties interested in doing so may contact the Chairman of the Committee (Dr. F. W. Schmidt of Austria), the secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

## Zangger Committee and NPT conferences

19. At the first NPT Review Conference in 1975, a brief paragraph in the final document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-NPT non-nuclear-weapon States. The Conference went on to attach particular importance to the fact that those suppliers had established as a supply condition an undertaking of non-diversion to nuclear weapons.

20. In 1980, the Review Conference produced no consensus final document. However, in 1985, the Final Document contained a short reference to the Committee's activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take account of advances in technology.

21. In 1990, the Zangger Committee was mentioned by name and the conference provided a brief description of its aims and practices. While the Conference did not adopt a final document, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning the implementation of the Treaty in the areas of the non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2, and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee's requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

22. At the 1995 NPT Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, a consensus text on the Zangger Committee was attained. (The unofficial text emerging from this exercise was subsequently published in the IAEA document INFCIRC/482 for information purposes.) The working group noted that a number of States suppliers had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying these understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working group further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time, it called for international consultations among all interested States.

23. The Conference approved, *inter alia*, decision 2, which contains a set of "Principles and objectives for Nuclear Non-Proliferation and Disarmament", and decision 1, which provides the basis for the adopted "Strengthening of the Review Process for the Treaty" of the implementation of the Treaty.

24. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee, in the fields of safeguards and export controls (see annex, principles 9 to 13). In particular, principle 17 calls upon all States to promote

transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

25. The statements of review conferences on the Zangger Committee are annexed to this working paper.

# Annex

## References to Zangger Committee activities in NPT Review Conference documents

### First NPT Review Conference (1975)

A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

> "With regard to the implementation of article III (2) of the Treaty, the Conference notes that a number of States suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connection with their exports of certain such items to non-nuclear-weapon States not party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those States, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements" (NPT/CONF/35/I, annex I, p. 3).

### Third NPT Review Conference (1985)

The 1980 NPT Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

> "The Conference believes that further improvement of the list of materials and equipment which, in accordance with article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology" (NPT/CONF.III/64/I, annex I, p. 5, para. 13).

### Fourth NPT Review Conference (1990)

While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

> "The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2. To this end, these States have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not party to the Treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear cooperation with non-nuclear-weapon States not party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States parties to consider further ways to improve the measures to prevent diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation regime, the Conference also notes that items included in the 'trigger list' are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by States parties for the development of nuclear energy for peaceful uses" (NPT/CONF.IV/DC/1/Add.3 (a), p. 5, para. 27).

### NPT Review and Extension Conference (1995)

While the conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/482:

> "The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings; including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices.
>
> "The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under article III, paragraph 2" (INFCIRC/482, attachment, paras. 5 and 7).

The Conference adopted in decision 2 the following principles related to safeguards and export controls:

> **"Safeguards**
>
> 9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard. States parties that have concerns regarding non-compliance with the safeguards agreement of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.
>
> 10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and that have not yet done so should do so without delay.
>
> 11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.
>
> 12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.
>
> 13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved."

NPT/CONF.2000/18

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

24 April 2000

Original: English

New York, 24 April-19 May 2000

## Letter dated 20 April 2000 from the Permanent Representative of Indonesia addressed to the Provisional Secretary-General of the Review Conference

On behalf of the Group of States members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons and in my capacity as Chairman of the Working Group on Disarmament, Movement of Non-Aligned Countries, I have the honour to enclose herewith the document entitled "Working Paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty on Non-Proliferation of Nuclear Weapons" (see annex). It contains various aspects related to the Treaty in the form of draft recommendations that are of paramount importance to the 2000 Review Conference.

It would be highly appreciated if you could arrange to circulate the present letter and its annex as official documents of the Review Conference.

*(Signed)* Makarim **Wibisono**

# Annex

## Working paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) believe, in terms of the strengthened review process and in the context of fully implementing the Treaty and in pursuant to the decisions and resolution adopted by the 1995 NPT Review and Extension Conference, that recommendations which have been deliberated upon throughout its preparatory process, should be considered at the 2000 Review Conference with a view to their adoption at the Conference.

The Non-Aligned Movement States parties to the Treaty recall that at the Durban Summit Meeting, the Heads of State or Government of the Movement recalled their principled positions on nuclear disarmament and the related issues of nuclear non-proliferation and nuclear tests, which were contained in the Final Document of the 1995 Cartagena Summit Meeting. They expressed their concern at the slow pace of progress towards nuclear disarmament, which constitutes their primary disarmament objective. They noted the complexities arising from nuclear tests in South Asia, which underlined the need to work even harder to achieve their disarmament objectives, including elimination of nuclear weapons. They further recalled that at the 2000 Ministerial Meeting, held in Cartagena, Colombia, the Foreign Ministers reiterated the Movement's long standing principled position for the total elimination of all nuclear testing and expressed concern over the recent negative developments with regard to the ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT).

The Non-Aligned Movement States parties to the Treaty recall further that the Heads of State or Government of the Movement at the Durban Summit also considered positively the commitment by parties concerned in the South Asian region to exercise restraint, which contributes to regional security, to discontinue nuclear tests, and not to transfer nuclear weapons-related material, equipment and technology.

The Non-Aligned Movement States parties to the Treaty believe further that the 2000 Review Conference of the NPT should engage immediately, in good faith, in substantive work for the speedy and meaningful implementation of the obligations under the Treaty and the commitments in the 1995 Principles and Objectives document, and the resolution on the Middle East.

The Non-Aligned Movement States parties to the Treaty recall that at the Ministerial Meeting in Cartagena, Colombia, the Foreign Ministers, called for the full implementation at the 2000 NPT Review Conference of, and the firm commitment by all States parties to, the package agreed to at the 1995 NPT Review and Extension Conference which comprises the decision on "Strengthening the Review Process for the Treaty", the decision on "Principles and Objectives for Nuclear Non-proliferation and Disarmament", the decision on "Extension of the Treaty on the Non-Proliferation of Nuclear Weapons", and the "Resolution on the Middle East".

We recall that the Preparatory Committee agreed to recommend to the Conference that Rule 34 of the Rules of Procedure be amended to allow for the establishment of subsidiary bodies to the Main Committees of the Conference so as to provide for a focused consideration of specific issues relevant to the Treaty. In this context, the Cartagena Ministerial Meeting reaffirmed the importance of the implementation of the call by the NAM Heads of State or Government for the Review Conference to establish a subsidiary body to Main Committee I to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons, as well as a subsidiary body to Main Committee II to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT.

We believe that this kind of approach will strengthen the review process and will provide the basis for a successful outcome of the 2000 Review Conference. In this vein, the NAM proposes the following draft recommendations to be considered by the Review Conference.

Preamble

1. The States Parties believe that the Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons and they will work towards a fair balance between the mutual obligations and responsibilities of the Nuclear Weapon States and non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.

2. The States Parties undertake to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States Parties to the Treaty and they shall fulfil their commitments on the unimpeded and non-discriminatory transfer of materials, equipments, scientific and technological information for peaceful uses of nuclear energy to all States Parties without exception.

3. The States parties agree that to ensure the effective implementation of the Treaty, and of decisions, resolutions and documents adopted at the Review Conference, an open-ended standing committee, which would work inter-sessionally to follow up recommendations concerning the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, should be established by the Treaty's 2000 Review Conference.

Article I

4. The States Parties agree that the strict observance of the terms of Article I remains central to achieving the shared objectives of preventing under any circumstances further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

5. The Nuclear Weapon States parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear-weapon states, and with States not party to the Treaty.

6. The States Parties remain concerned about the ability of certain States not parties to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States Parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material

and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.

Article II

7. Non-nuclear-weapon States Parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from nuclear sharing for military purposes under any kind of security arrangements with the Nuclear Weapon States, non-nuclear-weapon States, and States not party to the Treaty.

Article III

8. The States Parties believe that the International Atomic Energy Agency is the competent authority to verify the compliance of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and reaffirm that IAEA safeguards are an essential element in guaranteeing compliance with their Article III undertakings. In this regard, all States Parties which have not yet done so should sign without delay the safeguards agreements required by Article III of the Treaty.

9. The States Parties call on the Nuclear Weapon States and all States not party to the Treaty to place their nuclear facilities under full-scope safeguards of IAEA.

10. The States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by any States Party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States Parties under the provisions of the preamble and articles of the Treaty are fully protected and that no State party is limited in the exercise of this right based on allegations of non-compliance not verified by the IAEA.

11. The States Parties support the principles that new supply arrangements for the transfer of source of special fissionable material or equipment or material specially designed or prepared for the processing, use or production of a special fissionable material to non-nuclear-weapon States should require as a necessary precondition, acceptance by all States Parties of fullscope safeguards; and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.

12. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

Article IV

13. The States Parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States Parties be fully ensured.

14. The States Parties reaffirm that beyond safeguards required under the Treaty, unilaterally enforced restrictive measures which prevent peaceful nuclear development should be removed.

15. The States Parties note with concern that undue restrictions on export to developing countries of material, equipment and technology, for peaceful purposes persist. They emphasise that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposed required by developing countries for their continued development. They express their strong rejection of attempts by any member state to use the International Atomic Energy Agency's (IAEA) technical cooperation programme as a tool for political purposes in violation of the IAEA's statute.

16. The States Parties reaffirm the responsibility of nuclear supplier States parties to the Treaty to promote the legitimate needs of nuclear energy of the States Parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to participate to the fullest in possible transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

17. The States Parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2 (4) of the United Nations Charter in considering that any attacks or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

18. The States Parties encourage the adoption of appropriate measures to regulate international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within the IAEA to adopt and improve international regulations in that regard.

### Article V

19. The States Parties will take into account all the provisions of the CTBT related to this Article.

20. The States Parties call upon the Nuclear Weapon States to refrain from conducting all types of tests in conformity with the objectives of the CTBT. They also call upon Nuclear Weapon States to provide transparency on-site and other measures to build confidence on the full implementation of the provisions of the Treaty in order to meet international concern.

21. The States Parties stress the significance of achieving universal adherence to the CTBT including by all the Nuclear Weapon States which, inter alia, should contribute to the process of nuclear disarmament.

22. The States Parties call upon all of the States which have not yet done so to sign and ratify the CTBT. Pending the entry into force of the CTBT, the States Parties call upon the Nuclear Weapon States to comply with the letter and spirit of the CTBT.

23. The States Parties reiterate that if the objectives of the Treaty were to be fully realized, the continued commitment of all signatories, especially the Nuclear Weapon States, to nuclear disarmament would be essential. The States Parties express their concern over the recent negative developments with regard to the ratification of the CTBT.

Article VI

24. The States Parties note with regret that, despite the conclusion of limited agreements, the provisions of Article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. In this regard, the States Parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving this objective.

25. The States Parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of the civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. In this context, the goal is the complete elimination of nuclear weapons. In the task of achieving the goal of nuclear disarmament, all States Parties bear responsibility, in particular those Nuclear Weapon States which possess the most important nuclear arsenals.

26. The States Parties welcome the progress made towards the full ratification of START II and call for the full and early implementation of the Treaty by both parties as well as of the early commencement of negotiations of START III.

27. The States Parties are concerned over the negative implications of the development and deployment of anti-ballistic missile defense systems and the pursuit of advanced military technologies capable of deployment in outer space which have, inter alia, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security. In this connection, the States Parties call upon the parties to the ABM Treaty to fully comply with its provisions.

28. The States Parties reaffirm that priority in disarmament negotiations shall be nuclear weapons in accordance with the Final Document of the first special session of the General Assembly on disarmament.

29. The States Parties reaffirm their commitment to fulfil with determination their obligations under Article VI, in particular the Nuclear Weapon States to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

30. The States Parties in particular the nuclear-weapon States shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

31. The States Parties call upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament taking into account all proposals which have been submitted by members of the Group of 21, and to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear-weapon

convention prohibiting the development, production, testing, employment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

32. The States Parties renew their call for the immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices, as essential measures of nuclear disarmament as well as non-proliferation of nuclear weapons taking into account the 1995 report of the Special Coordinator on that item and the views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.

33. The State Parties regret the continuing lack of progress on items relevant to nuclear issues in the agenda of the Conference on Disarmament.

34. The States Parties agree that specific time should be made available at Preparatory Committee meetings to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons.

35. The States Parties agree to establish a subsidiary body to Main Committee I of the 2000 Review Conference to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons.

Article VII

36. The States Parties express support for measures taken by a State Party or Group of States Parties to conclude nuclear-weapon-free-zone treaties. They also support proposals to these zones in other parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among the States of the region concerned as a measure towards the strengthening of nuclear non-proliferation regime and realizing the objectives of nuclear disarmament. The States Parties welcome the initiative taken by the States in Central Asia freely arrived at among themselves to establish a nuclear-weapon free zone in that region. The States Parties also welcome and support the recent adoption by the Mongolian Parliament of legislation as a concrete contribution to the international efforts to strengthen the non-proliferation regime.

37. The States Parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the NPT reaffirm their commitment to promote the common goals envisaged in those treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas.

Article VIII

38. The States Parties will continue their endeavors to strengthen the review process of the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty in their entirety are being realized.

Article IX

39. The States Parties reemphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities. They will make determined efforts to achieve this goal.

Security Assurances

40. The States Parties reaffirm that total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally-binding negative security assurances regime which will ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons must be urgently concluded. Hence, the States Parties should negotiate a legal instrument to assure non-nuclear weapons states against the use or threat of use of nuclear weapons to be adopted by the 2000 NPT Review Conference as an annexed protocol to the NPT. They note that Ad-hoc Committee on NSA was established by the Conference on Disarmament in 1998 to conclude an international legally-binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The Resolution on the Middle East

41. The States Parties recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference on 11 May 1995 constituted an integral part of the package of the 1995 outcome comprising three decisions and a Resolution, and as such they reaffirm their firm commitment to work towards the full implementation of that Resolution. In this regard, the States Parties recognize the special responsibility of the depository states, as cosponsors of the 1995 Resolution on the Middle East.

42. The States Parties note that since the adoption of the 1995 Resolution on the Middle East, all states in the region have become parties to the Treaty, with the exception of Israel. The States Parties stress the urgent need for Israel to accede to the Treaty without further delay, to place all its nuclear facilities under full-scope IAEA safeguards and to conduct its nuclear related activities in conformity with the non-proliferation regime, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

43. The Nuclear Weapon States, in conformity with their obligations under Article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly to Israel, and further undertake not in anyway to assist, encourage, or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

44. All States Parties, in conformity with the seventh preambular paragraph and Article 4 of the Treaty, hereby declare their commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

45. The States Parties reaffirm once again, their determination to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

46. The States Parties agree that specific time should be made available at Preparatory Committee meetings to consider proposals on the Resolution on the Middle East adopted at the 1995 Review and Extension Conference.

47. The States Parties agree to establish a subsidiary body to Main Committee II of the Review Conference to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference.

NPT/CONF.2000/19

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28 April 2000

Original: English

New York, 24 April-19 May 2000

## Note verbale dated 25 April 2000 from the Permanent Mission of Portugal to the United Nations addressed to the Secretariat of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Permanent Mission of Portugal to the United Nations requests the Secretariat of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to circulate to all delegations, as an official document of the Conference, the enclosed document, entitled "Council common position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons" (see annex).

## Annex

### Council common position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[Original: English, French and Spanish]

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) The European Union attaches great importance to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament.

(2) The Council adopted on 25 July 1994 Decision 94/509/CFSP concerning the Joint Action regarding preparation for the 1995 Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons [1].

(3) The Council on 23 April 1998 defined Common Position 98/289/CFSP relating to preparation for the second Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons [2].

(4) The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted decisions on the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, on Principles and Objectives for Nuclear Non-Proliferation and Disarmament, on the strengthening of the review process for that Treaty, and on a resolution on the Middle East.

(5) The Preparatory Committee for the 2000 NPT Review Conference held three sessions, on 7 to 18 April 1997 in New York, 27 April to 8 May 1998 in Geneva and 10 to 21 May 1999 in New York.

(6) The Council on 29 April 1997 adopted Joint Action 97/288/CFSP on the European Union's contribution to the promotion of transparency in nuclear-related export controls [3].

(7) On the basis of negotiating directives adopted by the Council on 1 December 1997, the Additional Protocol to the Verification Agreement between the Non-Nuclear Weapon States of the European Atomic Energy Community (EURATOM), EURATOM and the International Atomic Energy Agency (IAEA), the Additional Protocol to the Safeguards Agreement between France, EURATOM and the IAEA, and the Additional Protocol to the Safeguards Agreement between the United Kingdom, EURATOM and the IAEA have been signed.

(8) The European Union signatory parties to the abovementioned Additional Protocols have stated their aim that the process of ratification should be completed as soon as possible.

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[1] OJ L 205, 8.8.1994, p. 1.
[2] OJ L 129, 30.4.1998, p. 1.
[3] OJ L 120, 12.5.1997, p. 1.

(9) In the light of the outcome of the 1995 Review and Extension Conference and of the outcome and recommendations of the Preparatory Committee for the NPT 2000 Review Conference, it is appropriate to update and develop further the objectives set out in Common Position 98/289/CFSP, and the initiatives carried out under its terms.

(10) Common Position 98/289/CFSP should therefore be repealed and replaced by this Common Position,

HAS ADOPTED THIS COMMON POSITION:

## Article 1

The objective of the European Union shall be to strengthen the international nuclear non-proliferation regime by promoting the successful outcome of the 2000 Non-Proliferation Treaty (NPT) Review Conference.

## Article 2

1. For the purposes of the objective laid down in Article 1, the European Union shall:

(a) pursue efforts to convince States which are not yet parties to the NPT, in particular those States which operate unsafeguarded facilities, to accede to it as soon as possible;

(b) encourage participation in the NPT 2000 Review Conference;

(c) contribute to a structured and balanced review of the operation of the NPT at the 2000 Review Conference, including the implementation of undertakings of the States Parties under the Treaty, as well as the identification of areas in which, and of means through which, further progress should be sought in future;

(d) help build consensus on substantive issues in the 2000 NPT Review Conference and its three main committees, taking into account the substantive preparations in the three sessions of the Preparatory Committee and bearing in mind the fundamental importance of the decisions and resolution adopted by the 1995 Review and Extension Conference, namely on principles and objectives for nuclear non-proliferation and disarmament.

2. On the basis of the framework established by the Treaty and the Principles and Objectives laid down by the 1995 Review and Extension Conference, the European Union believes that further consideration of substantive issues may include, among others:

(a) early entry into force of the Comprehensive Nuclear Test-ban Treaty through ratification without delay and without conditions, especially by those 44 States whose ratification is required for the Treaty to enter into force;

(b) immediate commencement and early conclusion of negotiations in the Conference on Disarmament in Geneva on a non-discriminatory, multilateral and internationally and effectively verifiable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Pending the conclusion of such a Treaty, the European Union calls on all States, which have not yet done so, to stop the production of fissile material for nuclear weapons or other nuclear explosive devices;

(c) establishment of an Ad Hoc Working Group within the Conference on Disarmament under Agenda item 1 "cessation of nuclear arms race and nuclear disarmament" subject to a consensus agreement on a mandate for such a group;

(d) development of nuclear weapons-free zones and establishment of zones free of weapons of mass destruction on the basis of arrangements freely arrived at between the States in the region concerned;

(e) pursuit of the consideration of the issue of security assurances to the Non-Nuclear Weapon States Parties to the NPT;

(f) signature and ratification by the nuclear weapon States of the relevant protocols of nuclear weapon free zones, recognising that Treaty-based security assurances are available to such zones;

(g) underlining the importance of concerned States taking steps to bring into effect the assurances provided by such Treaties and their Protocols;

(h) increased transparency as a voluntary Confidence Building Measure to support further progress in disarmament;

(i) calling on nuclear weapon States, as agreed at the Moscow G7/P8 Summit on Nuclear Safety on 19-20 April 1996 to place fissile material designated as no longer required for defence purposes under appropriate international safeguards and physical protection;

(j) application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;

(k) calling for the prompt entry into force and timely implementation of START II and its Protocol, and the early commencement of negotiations on START III with a view to further reductions in strategic nuclear weapons and the verified dismantlement of warheads destined for disarmament under that Treaty;

(l) reaffirmation of the importance of the Anti-Ballistic Missile Treaty as a cornerstone of strategic stability;

(m) underlining the importance of non-strategic nuclear weapons in the framework of nuclear arms reduction efforts;

(n) calling on all non-nuclear weapon States to conclude agreements with the IAEA as soon as possible to meet the requirements of Article III of the NPT;

(o) reaffirming the provisions of the Principles and Objectives Decision of the Final Document (Part 1) of the 1995 Review and Extension Conference regarding safeguards;

(p) further calling on all States with safeguards agreements already in place to conclude and bring into force the Additional Protocols with the IAEA as soon as possible with a view to the early implementation of a strengthened safeguards system and its subsequent integration with existing safeguards measures;

(q) calling on nuclear suppliers to continue efforts of the Nuclear Suppliers Group and the Zangger Committee to enhance transparency and foster dialogue and cooperation among all interested parties;

(r) calling on all States with nuclear materials on their territory to maintain and improve, as appropriate, their own arrangements for nuclear materials accountancy, safety and physical protection, applying the appropriate internationally agreed standards;

(s) calling on all States to take measures to ensure that exports of sensitive materials, equipment and technologies are subject to an appropriate system of surveillance and control, facilitating cooperative technological development by providing confidence of suppliers that goods, technology and materials will only be used for peaceful purposes;

(t) calling upon States, that have not yet done so, to accede to the Physical Protection Convention, adopt relevant physical protection and basic safety standards and introduce and enforce appropriate measures and legislation to combat illicit trafficking in nuclear and other radioactive material;

(u) underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calling upon States, that have not yet done so, to accede to all relevant conventions as soon as possible and to implement fully their ensuing commitments.

### Article 3

Action taken by the European Union for the purposes of Article 2 shall comprise:

(a) where appropriate, demarches by the Presidency, under the conditions laid down in Article 18 of the Treaty on European Union, with a view to promoting the universality of the NPT;

(b) demarches by the Presidency, under the conditions laid down in Article 18 of the Treaty on European Union, with a view to encouraging participation in the NPT 2000 Review Conference;

(c) demarches by the Presidency, under the conditions laid down in Article 18 of the Treaty on European Union, with regard to States Parties to the NPT, in order to urge their support for the objectives set out in Article 2;

(d) the pursuit of agreement by Member States on draft proposals on substantive issues for submission on behalf of the European Union for consideration by States Parties to the NPT which may form the basis for decisions of the NPT 2000 Review Conference;

(e) Statements by the European Union delivered by the Presidency in the General Debate and in the debates in the three Main Committees.

### Article 4

Common Position 98/289/CFSP is hereby repealed.

### Article 5

This Common Position shall take effect on the date of its adoption.

### Article 6

This Common Position shall be published in the Official Journal.

Done at Luxembourg,

For the Council
The President

NPT/CONF.2000/20

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28 April 2000

Original: English

New York, 24 April-19 May 2000

## Letter dated 28 April 2000 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

In my capacity as Chairman of the Arab Group for the month of April 2000 and on behalf of States members of the League of Arab States, I have the honour to transmit to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons a working paper on the implementation of the resolution on the Middle East adopted in 1995. I would be grateful if this working paper could be issued as a document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

(*Signed*) Jassim Mohammed **Buallay**

# Annex to the letter dated 28 April 2000 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

# Working paper presented by the State of Bahrain on behalf of the States members of the League of Arab States to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, on the implementation of the resolution on the Middle East adopted in 1995

The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted a package consisting of three decisions and one resolution on the Middle East.

The 1995 resolution on the Middle East, sponsored by the three depositary States, and adopted by consensus, was the only resolution concerning a specific geographical region. This adoption is a clear expression by the States parties of their concern about the seriousness of the situation in the Middle East resulting from the existence of unsafeguarded Israeli nuclear facilities in the region thereby endangering regional and international peace and security.

Since the 1995 Conference developments have taken place and should be taken into consideration during the 2000 Review Conference, namely:

1. All States of the region have become parties to the Treaty, with the exception of Israel.

2. Israel remains the only State in the region that has not yet acceded to the Treaty and continues to refuse to place all its nuclear facilities under full-scope IAEA safeguards.

3. The adoption by consensus, for the twentieth consecutive year, of a resolution by the United Nations General Assembly calling for the establishment of a nuclear-weapon-free zone in the region of the Middle East.

4. The overwhelming support for the resolution adopted by the General Assembly at its fifty-fourth session concerning the risk of nuclear proliferation in the Middle East (resolution 54/51) calling upon Israel, the only State in the Middle East that is not yet party to the Treaty and has not declared its intention to do so, to accede to the Treaty without further delay, and not to develop, produce, test or otherwise acquire nuclear weapons and to renounce possession of nuclear weapons, and to place all its nuclear facilities under full-scope IAEA safeguards. This support reflects the increased concern of the international community resulting from the fact that Israel continues to defy repeated calls to accede to the Treaty.

5. The unanimous adoption by the United Nations Disarmament Commission at its 1999 substantive session of guidelines on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, where the establishment of a nuclear-weapon-free zone in the Middle East as well as the development of zones free from all weapons of mass destruction was encouraged.

The accession by the States of the region to the Treaty has not, unfortunately, provided them with the necessary security from the threat of nuclear proliferation in the Middle East. Furthermore, the continued defiance by Israel of those repeated calls of the international community, most notably its flagrant defiance of Security Council resolution 487 (1981), by refusing to accede to the Treaty and to place all its nuclear facilities under IAEA full-scope safeguards remains a source for serious concern. It must be recalled that the Arab delegations at the 1995 Review and Extension Conference clearly voiced this concern at the time of the adoption of the 1995 package outcome as a whole.

The 2000 Review Conference, pursuant to paragraph 7 of decision I of 1995 on the strengthening of the review process, should look forward as well as backward and evaluate the results of the period under review, including the implementation of undertakings of the States parties under the Treaty and identify the areas in which, and the means through which further progress should be sought in the future.

All States parties to the Treaty, and in particular, the nuclear-weapon States, have to shoulder their responsibilities, extend their cooperation and, in particular, exert their utmost efforts to achieve the full implementation of the said resolution, particularly, the three depositary States. The role of the three depositary States in fulfilling their primary responsibilities as sponsors of the 1995 resolution on the Middle East is crucial in implementing faithfully and achieving the goals of the resolution on the Middle East. They are requested to indicate at the 2000 Review Conference the measures they have taken to ensure the full implementation of the resolution and the realization of its objectives.

In this regard the Arab States welcome the decision taken by the 2000 Review Conference to establish a subsidiary body to its Main Committee II to consider regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference.

It is, therefore, imperative that the 2000 Review Conference should address this important issue and with a view to redressing the existing imbalance prevailing in the Middle East region:

- This Conference should include in its final outcome an unequivocal call demanding that Israel accede to the Treaty without further delay and place all its nuclear facilities and materials under full-scope IAEA safeguards.
- The final outcome of the Review Conference should also contain a clear commitment by all the nuclear-weapon States, in conformity with their obligations under article I of the Treaty, not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel and, further, an undertaking not in any way to assist Israel, in a manner that would contribute to its ability to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices under any circumstance whatsoever.

- Furthermore, all States parties to the Treaty, in conformity with the seventh preambular paragraph and article 4 of the Treaty, should declare their commitment not to transfer nuclear-related equipment, information, material and facilities, resources or devices, or assistance in the nuclear field to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

NPT/CONF.2000/21

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1 May 2000
English
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New York, 24 April-19 May 2000

## Letter dated 1 May 2000 from the representatives of France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

We have the honour to attach herewith the text of a statement by the delegations of France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America concerning the Treaty on the Non-Proliferation of Nuclear Weapons (see annex).

We should be grateful if you would have the text of this letter and its annex issued as a document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and circulated to the participants in the Conference.

(*Signed*) Hubert de **La Fortelle**
Ambassador
France

(*Signed*) **Sha** Zukang
Ambassador
The People's Republic of China

(*Signed*) Youri **Kapralov**
Ambassador
Russian Federation

(*Signed*) Ian **Soutar**
Ambassador
United Kingdom of Great Britain and Northern Ireland

(*Signed*) Norman **Wulf**
Ambassador
United States of America

## Annex

### Statement by the delegations of France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America

1. The delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, on the occasion of the sixth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, formally reiterate the strong and continuing support of our countries for this Treaty, the cornerstone of the international nuclear non-proliferation regime and the essential foundation for nuclear disarmament. We remain unequivocally committed to fulfilling all of our obligations under the Treaty.

2. We welcomed the decision on indefinite extension of the Treaty adopted in 1995 by its member States. We reaffirm our commitment to strengthening the review process of the Treaty and to the principles and objectives for nuclear non-proliferation and disarmament. We reaffirm our commitment to the resolution on the Middle East adopted in 1995. The principles established by those documents will make a continuing contribution to the review process, the Treaty remaining its fundamental guide.

3. The progress of the universality of the Non-Proliferation Treaty has been confirmed after the 1995 conference. We welcome the accession to the Treaty by Chile, Vanuatu, the United Arab Emirates, Comoros, Andorra, Angola, Djibouti, Oman and Brazil. Today, there are 187 member States. We reiterate the need for universal adherence to the Non-Proliferation Treaty and call upon States that have not yet done so to accede to the Treaty at an early date. The nuclear explosions carried out by India and Pakistan in May 1998 were a cause of deep international concern. We continue to call upon both countries to undertake the measures set out in Security Council resolution 1172 (1998). Notwithstanding their nuclear tests, India and Pakistan do not have the status of nuclear-weapon States in accordance with the Non-Proliferation Treaty.

4. We stress that compliance with the Non-Proliferation Treaty by all member States is essential to further the comprehensive goals of the Treaty.

5. We reiterate our unequivocal commitment to the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control.

6. A programme of action was set out by the 1995 Review and Extension Conference as important in the full realization and effective implementation of article VI. In pursuit of that programme, there have been highly significant multilateral, bilateral and unilateral developments since 1995.

7. The Comprehensive Nuclear-Test-Ban Treaty was opened for signature in New York on 24 September 1996. The five nuclear-weapon States all signed it that very day. Today, 155 States have signed it and 55 of them, including 28 whose ratification is necessary for its entry into force, have deposited their instruments of ratification with the Secretary-General of the United Nations, including France and the United Kingdom in a joint ceremony on 6 April 1998. The recent ratification of the Treaty by the Russian Federation is welcome. The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization has been set up in Vienna

and is putting into place the international monitoring system of the Treaty. Important progress has been made so far in the setting up of the verification system. We remain committed to ensuring that, at entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the verification regime will be capable of meeting the verification requirements of this Treaty. The first conference of States having ratified the Treaty to consider the issue of its entry into force was held at Vienna in October 1999. No efforts should be spared to make sure that the Comprehensive Nuclear-Test-Ban Treaty is a universal and internationally and effectively verifiable treaty and to secure its early entry into force. There should be no doubt as to the commitment of our five countries to that effect.

8. As one logical multilateral step in the full realization and effective implementation of article VI, we reaffirm the necessity of a non-discriminatory, universally applicable and internationally and effectively verifiable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices negotiated in accordance with the 1995 statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein. We urge the Conference on Disarmament to agree on a programme of work as soon as possible, which includes the immediate commencement and early conclusion of negotiations on such a treaty.

9. The contribution of the five nuclear-weapon States to systematic and progressive efforts to reduce nuclear weapons globally has been and will be highlighted by each of us nationally.

10. Emphasizing the essential importance of cooperation, demonstrating and advancing mutual trust among ourselves, and promoting greater international security and stability, we declare that none of our nuclear weapons are targeted at any State.

11. Ratification of START II by the Russian Federation is an important step in the efforts to reduce strategic offensive weapons and is welcome. Completion of ratification of START II by the United States remains a priority. We look forward to the conclusion of START III as soon as possible while preserving and strengthening the Anti-Ballistic Missile Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

12. We are committed to placing as soon as practicable fissile materials designated by each of us as no longer required for defence purposes under the International Atomic Energy Agency (IAEA) or other relevant international verification. We have launched a number of significant initiatives to provide for the safe and effective management and disposition of such materials.

13. We welcome the creation of two new nuclear-weapon-free zones since 1995 as a significant contribution to the enhancement of regional and international peace and security: South-East Asia and Africa. The five nuclear-weapon States have signed and, in most cases, ratified all the relevant protocols to the treaties of Tlatelolco, Rarotonga and Pelindaba; internal processes are under way to secure the few lacking ratifications. The consultations with States parties to the Treaty of Bangkok have recently been accelerated, paving the way for our adherence to the Additional Protocol. We are looking forward to the successful and early conclusions of those consultations. We encourage the States in Central Asia to pursue successfully their

efforts to create a nuclear-weapon-free zone in their region. We support and respect the nuclear-weapon-free status of Mongolia.

14. We note that the actions of the nuclear-weapon States since 1995 on the relevant additional protocols to nuclear-weapon-free zone treaties have increased the number of non-nuclear-weapon States eligible for legally binding negative security assurances to over 100. We reaffirm our commitment to Security Council resolution 984 (1995) adopted in April 1995 on security assurances for non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. According to operative paragraph 10 of resolution 984 (1995), the issues addressed in that resolution remain of continuing concern to the Security Council. We are ready to exchange views relating to the positive security assurances referred to in the resolution.

15. We consider the international safeguards system of the International Atomic Energy Agency as one of the essential pillars of the non-proliferation regime. That system acts as a guarantee for stability and the preservation of world peace. We call upon all States Parties, which are required by article III of the Treaty and have not yet done so, to sign and bring into force comprehensive safeguards agreements without delay.

16. The development and the implementation of the strengthened safeguards system of IAEA through new agreements is a significant achievement. We praise the remarkable work carried out by IAEA in this field and hope that the strengthened system soon spreads across all regions of the world. Here again, universality is the challenge we face. To date, Additional Protocols have been signed by more than 50 non-nuclear-weapon States; 9 of them have entered into force. We urge all non-nuclear-weapon States that have not yet done so to sign without delay the Additional Protocol with a view to its early implementation.

17. As regards States not members of the Non-Proliferation Treaty, one of them has recently signed an Additional Protocol with IAEA. We encourage the three others to negotiate an Additional Protocol with IAEA.

18. All the five nuclear-weapon States signed an Additional Protocol with IAEA and shall seek to ratify their agreements as soon as possible.

19. We support the promotion of transparency in nuclear-related export controls within the framework of dialogue and cooperation among all interested States Parties to the Treaty and we welcome the initiatives taken in order to carry out this objective.

20. We reaffirm the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in accordance with the relevant provisions of the Treaty and the relevant principles on safeguards. Pursuant to our obligation under article IV, we have provided our support for the technical cooperation programmes administered by IAEA, which has enabled many nations to make progress in the application of nuclear technologies in important fields such as agriculture, hydrology, medicine and environment.

21. We stress the importance of international cooperation in order to maintain the highest practicable levels of nuclear safety. In this regard, we welcome the entry into force and the first review meeting of the Convention on Nuclear Safety as well as

the opening for signature of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. We call upon all States which have not yet done so to sign and ratify those two Conventions.

22. We are determined to take a forward-looking approach to nuclear non-proliferation and nuclear disarmament. The Non-Proliferation Treaty provides an indispensable framework for future efforts against nuclear proliferation and towards nuclear disarmament. We fully acknowledge our particular responsibility and key role in ensuring continued progress in the implementation of the Non-Proliferation Treaty.

23. The five nuclear-weapon States hope that a similarly genuine commitment to the pursuit of nuclear non-proliferation and disarmament as a contribution to enhanced peace and security will be shown by all States members of the Non-Proliferation Treaty and States outside the Treaty. We will continue to work together and with the non-nuclear-weapon States for the success of the review process.

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# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Letter dated 1 May 2000 from the Permanent Mission of the People's Republic of China to the United Nations addressed to the United Nations Department for Disarmament Affairs

The Permanent Mission of the People's Republic of China to the United Nations has the honour to transmit to the Department for Disarmament Affairs the National Report on the Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons by the People's Republic of China and requests the latter to circulate this Report as a document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

## Annex

# National Report on the Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons by the People's Republic of China

Since the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Treaty") was extended indefinitely in 1995, the international situation has undergone complex and profound changes. A series of negative developments has occurred in the field of international security, seriously affecting the process of nuclear disarmament and non-proliferation. China has nevertheless continued to abide by the provisions of the Treaty, making tireless efforts to achieve the three major objectives of the Treaty: preventing nuclear proliferation, advancing the process of nuclear disarmament, and promoting the peaceful use of nuclear energy. In accordance with the requirement of the Treaty's 2000 Review Conference, the People's Republic of China is providing the following information concerning its implementation of the Treaty.

## I. Prevention of the proliferation of nuclear weapons

China has complied strictly with its obligations under the Treaty to prevent the proliferation of nuclear weapons. It has always taken a serious and responsible attitude, and firmly opposes the proliferation of nuclear weapons in any form to any country. It has consistently adhered to the policy of not advocating, encouraging or engaging in the proliferation of nuclear weapons and not assisting other countries in the development of nuclear weapons. At the same time, China believes that in the effort to prevent the proliferation of nuclear weapons, the legitimate right and needs of different countries, particularly the developing countries, to use nuclear energy for peaceful purposes should not be overlooked. Nor should double standards be applied in the name of non-proliferation in order to limit or hinder nuclear exports and nuclear cooperation between States for the peaceful use of nuclear energy.

China has always maintained that strict control and management of nuclear exports can help prevent the proliferation of nuclear weapons and enhance international security. To that end, it has consistently adhered to three principles with regard to nuclear exports, namely, that they be used exclusively for peaceful purposes; that they be subject to the safeguards of the International Atomic Energy Agency (IAEA); and that they not be transferred to any third party without China's approval. Besides taking practical action to exercise strict control over its nuclear exports, China is also taking steps to develop a sound legal regime for the control of such export. In May 1997, the Chinese Government issued a Circular on Questions concerning the Strict Implementation of the Nuclear Export Policy of China, which expressly states that nuclear materials and equipment and related technologies may not be provided to or used in nuclear facilities that are not under IAEA safeguards. In September 1997, the Chinese Government issued its Regulations of the People's Republic of China concerning Nuclear Export Control, which stipulate that no assistance of any kind be provided to nuclear facilities not under IAEA safeguards, that only nuclear export to entities designated by the State Council may engage in nuclear exports, and that the State must implement a nuclear export licensing system. Also, using similar lists with general international recognition as reference, China has drawn up its own Nuclear Export Control List. On 10 June 1998, the Chinese Government issued its Regulations for the Export Control of Nuclear Dual-use Items and Related Technologies, instituting strict controls on the export of nuclear-related dual-use items and related technologies.

China has consistently supported and participated in international cooperation to prevent nuclear proliferation, actively fulfilling its international obligations. The Chinese Government announced in November 1991 that it would, on a continuing basis, notify IAEA of China's export to or import from a non-nuclear State of any nuclear material over one effective kilogram. In July 1993, China formally undertook to notify IAEA on a voluntary basis of the import and export of all nuclear material as well as the export of any nuclear equipment and related non-nuclear material. In May 1996, China undertook to refrain from providing any assistance to nuclear facilities that had not accepted IAEA safeguards, in other words, there would be no nuclear exports to them and no personnel and technological exchanges or cooperation with them. In May 1997, China sent observers to a meeting of one of the multilateral nuclear export control mechanisms — the "Zangger Committee", and became a full member of the Committee in October that year. Since 1993, China has actively participated in the negotiations on a model additional protocol to the IAEA Safeguards Agreement, and made important contributions towards the completion of the model protocol. In August 1998, China reached an agreement with IAEA on concluding the Additional Protocol to the Safeguards Agreement and undertook to declare to the Agency any relevant information concerning its nuclear cooperation with non-nuclear-weapon States. China signed the Protocol on 31 December 1998.

Believing that the establishment of nuclear-weapon-free zones is an effective means for preventing the proliferation of nuclear weapons, China has consistently supported efforts to establish such zones on the basis of consultation and voluntary agreement among the States concerned. China signed Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in August 1973, ratifying it in June 1974; signed Additional Protocols II and III to the South Pacific Nuclear-Free Zone Treaty in February 1987, ratifying them in October 1988; and signed Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty in April 1996, ratifying them in September 1996. To resolve differences with ASEAN countries on the Protocol to the Treaty on the South-East Asia Nuclear-Free Zone as soon as possible, China actively participated in consultations with those countries with a constructive and flexible attitude, and reached agreement on the Protocol in July 1999. It also indicated its readiness to sign the Protocol as soon as differences between ASEAN and other nuclear States were resolved. Furthermore, China actively supports efforts by the Central Asian countries to establish a Central Asian nuclear-free zone and has participated actively in consultations with the States concerned. China also actively supports the efforts of Mongolia to become a nuclear-weapon-free State. It supports initiatives to establish nuclear-free zones in the Middle East, South Asia, and the Korean Peninsula, and endorses the resolution of non-nuclear-weapon States on the establishment a nuclear-free zone in the southern hemisphere.

## II. Nuclear disarmament

China is active in supporting and participating in international efforts to prevent the proliferation of nuclear weapons and to advance the process of nuclear disarmament. It favours a comprehensive ban on and the complete destruction of nuclear weapons, as well as the conclusion of an international legal instrument for this purpose, in a manner similar to the comprehensive bans on chemical and biological weapons.

To eventually eliminate nuclear weapons completely, China believes that:

(1) Nuclear disarmament should be a fair and reasonable process of gradual reduction towards a downward balance, based on the principles of maintaining international strategic balance and stability and ensuring the undiminished national security interests of States;

(2) It is imperative for those States with the largest nuclear arsenals to assume special and primary responsibility in nuclear disarmament issues; they should continue to make significant reductions in their nuclear arsenals in order to create the conditions for the participation of other nuclear States in the multilateral nuclear disarmament process;

(3) To achieve progress in the process of international nuclear disarmament, there must be an international atmosphere of peace, cooperation and trust, in which all practices of hegemonism and power politics and attempts to gain absolute military advantage are forsaken, thus removing some of the basic motivations for States to develop or retain nuclear weapons.

As a nuclear-weapon State and a permanent member of the Security Council, China has never evaded its own obligations in nuclear disarmament. It is willing to join the multilateral nuclear disarmament process when the nuclear arsenals of the United States of America and the Russian Federation have been reduced to a level comparable to those of the other nuclear States, when the nuclear weapons being cut have been destroyed, when development and deployment of outer-space weapon systems as well as missile defence systems that undermine strategic balance and stability have been halted, and when all nuclear States have undertaken not to be the first to use nuclear weapons. China supports the "intermediate measures" of nuclear disarmament proposed by non-nuclear States. These are measures that should and must be taken. China is ready to consider the implementation of these measures at an appropriate time and under appropriate conditions in the nuclear disarmament process. For the time being, China has made significant contributions to the cause of international nuclear disarmament by unilaterally assuming some important obligations that other nuclear States have not yet accepted or are not willing to undertake.

First, China has adopted a rational nuclear strategy, firmly rejecting the policy of nuclear deterrence based on the first use of nuclear weapons. Ever since it first possessed nuclear weapons, China has pledged not to be the first to use nuclear weapons at any time or under any circumstances. It appeals to all nuclear States to renounce the policy of nuclear deterrence and commit themselves not to be the first to use nuclear weapons. To facilitate negotiations among nuclear States on no-first-use of nuclear weapons, China formally presented a draft "Treaty on Mutual No-First-Use of Nuclear Weapons" to the United States of America, the Russian

Federation, the United Kingdom and France, in January 1994, and proposed that the five nuclear States should begin consultations on it as soon as possible. At the same time, China actively seeks to reach arrangements on a bilateral basis with other nuclear States for mutual no-first-use of nuclear weapons. On 4 September 1994, Chinese and Russian leaders declared their commitment to mutual no-first-use of nuclear weapons and non-targeting of such weapons at each other. On 27 June 1998, China and the United States issued a joint declaration announcing the non-targeting of nuclear weapons at each other. In April 2000, five nuclear States — the United States, the Russian Federation, the United Kingdom, France and China — issued a joint declaration announcing the non-targeting of nuclear weapons at one another or at any non-nuclear State.

China has also made an unconditional pledge not to use or threaten to use nuclear weapons against any non-nuclear-weapon State or nuclear-free zone. In April 1995 it issued a statement reaffirming that it would provide an unconditional negative security guarantee to all non-nuclear States, and promising to provide a positive security guarantee to such States. It appeals to other nuclear States to provide unconditional negative and positive security guarantees to non-nuclear States and to conclude an international legal instrument for this purpose as soon as possible.

Second, China's development of a limited nuclear force is intended solely for defence purposes, aimed at breaking the nuclear monopoly, preventing nuclear war, and, ultimately, eliminating nuclear weapons. China has shown great restraint in the development of its nuclear weapons, having conducted only 45 nuclear tests in the 32 years from 1964 to 1996. China has performed the least number of nuclear tests, and possesses the smallest nuclear arsenal. It has never been involved in the nuclear arms race and has never deployed nuclear weapons outside its borders.

Since the 1990s, as the international security environment has improved, China has gradually cut back on its nuclear weapons development programme. Its research and development site in Qinghai has been closed. After an environmental cleanup, the site was officially returned in May 1995 to the local Government to be used at its own discretion.

Third, China actively participated in the negotiations on the Comprehensive Nuclear-Test-Ban Treaty (CTBT), making substantial compromises and sacrifices to facilitate the Treaty's conclusion. It announced a moratorium on nuclear testing in July 1996 and was among the first group of States to sign the Treaty when it was opened for signature in September 1996. China supports the early entry into force of the Treaty, in accordance with its provisions, and has already submitted it formally to the Standing Committee of the National People's Congress for ratification. China is also taking active part in the preparations for the CTBT Organization, undertaking to establish 11 international monitoring stations within China, and is giving full support and making complementary efforts towards the preparations for that Organization and the construction of the CTBT international monitoring system.

Fourth, China has consistently opposed the development and deployment of outer space weapon systems as well as missile defence systems that undermine global strategic balance and stability. To preserve global strategic balance and stability and maintain the momentum of progress in nuclear disarmament, China, together with the Russian Federation and Belarus, submitted to the General Assembly at its fifty-fourth session a draft resolution dated 1 December 1999 on preservation of and compliance with the Anti-Ballistic Missile Treaty between the United States and the Soviet Union. The draft resolution was adopted with the support of the great majority of Member States.

Fifth, China supports the negotiations to conclude a multilateral, non-discriminatory and verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices. In April 1997, China, together with the United States of America, the Russian Federation, the United Kingdom and France, issued a joint statement supporting the conclusion as soon as possible of a treaty banning the production of such materials on the basis of the mandate contained in the Shannon Report. Despite the current adverse developments in the area of international security, China's position of support for negotiations to conclude such a treaty remains unchanged. However, as there are still individual countries that not only possess huge nuclear arsenals and an oversupply of fissile nuclear material but also seek to develop national missile defence systems, China feels that the prevention of an arms race in outer space has greater urgency than a treaty to ban fissile-material production. China therefore asks the Conference on Disarmament to consider the issues of a fissile-material production ban treaty, the prevention of an arms race in outer space and nuclear disarmament in a balanced manner, paying equal attention to the security concerns of all parties.

Sixth, in order to advance the process of nuclear disarmament, China submitted to the General Assembly at its forty-ninth session a proposal for a comprehensive and interlinked nuclear disarmament process, which called on nuclear-weapon States, *inter alia*, to negotiate immediately and sign a treaty on mutual no-first-use of nuclear weapons; to undertake not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free zones; to conclude a comprehensive nuclear test-ban treaty and a fissile-material production ban treaty; and to sign the Convention on the Comprehensive Prohibition of Nuclear Weapons. On 26 March 1999, President Jiang Zemin of China again gave a systematic elaboration of China's position on nuclear disarmament issues at the Conference on Disarmament in Geneva. He pointed out that the elimination of nuclear weapons, which would totally eradicate the danger of nuclear war, was an objective pursued unswervingly by the Government and people of China. China is willing to work together with all countries to further the nuclear disarmament process in order to achieve the noble goal of the comprehensive ban on and complete destruction of nuclear weapons.

## III. International cooperation in the peaceful uses of nuclear energy

Promotion of the peaceful uses of nuclear energy and international cooperation in this field is an important expression of the balance between the rights and obligations set out in the Treaty, as well as one of its most important objectives. It should receive the same attention as the other objectives.

As a developing country with a certain capability in the nuclear industry, China pursues mutually beneficial cooperation with other countries in the peaceful uses of nuclear energy in accordance with the relevant provisions of the Treaty. It has signed intergovernmental agreements of cooperation for the peaceful use of nuclear energy with 16 countries, including the Russian Federation and France, laying down the foundation for exchanges and cooperation in the nuclear field. In its activities of peaceful nuclear cooperation, China has always adhered to the principles of mutual respect for sovereignty and equality and mutual benefit. It has provided, within its ability, assistance to developing countries in such areas as nuclear power, nuclear medicine and the application of nuclear technologies. The Chashma nuclear power plant that China and Pakistan are building in cooperation is proceeding smoothly. China has exported a research reactor to Algeria, and neutron-source mini-reactors to Pakistan, the Islamic Republic of Iran, Ghana and the Syrian Arab Republic, enhancing those countries' capacity for scientific research and education in the peaceful uses of nuclear energy. China helped Ghana build a Centre for Nuclear Medicine, contributing to the improvement of health care in that country. It is also participating actively in mutually beneficial cooperation with developed countries. Equipment and technologies for the four nuclear power plants under construction in China are being acquired from France, the Russian Federation, Canada, Japan, the Republic of Korea and the United Kingdom, among others. As China's reform, opening-up and economy move further ahead, its involvement in international cooperation in the peaceful uses of nuclear energy will continue to expand both in breadth and in depth.

On the multilateral side, China has developed fruitful exchanges and cooperation with IAEA in such fields as nuclear power plant construction, nuclear safety, nuclear waste management and the application of nuclear technologies. China has consistently urged that IAEA should bear in mind the objectives set forth in its Statute and strive to "accelerate and enlarge the contribution of atomic energy to world peace, health and prosperity"; and that its two major areas of activities — IAEA safeguards and promotion of the peaceful uses of nuclear energy — should be pursued in a balanced manner. In its cooperation with the Agency, China is guided by the principle of give and take, engaging in cooperation that is bi-directional and mutually beneficial. It pays its technical cooperation assessments on time and in full, and, to the extent that its resources permit, also makes additional voluntary contributions. It plays host to scientific and technical personnel from developing countries for study tours and training in China, and sends experts at the Agency's request to provide technical services and give lectures for interregional projects and international training courses. At the same time, through such cooperation and exchanges with the Agency, China has gained much technical and management experience, which has had a positive effect in promoting the peaceful use of nuclear energy in China. China also participates actively in cooperative activities in nuclear science and technology in the Asia-Pacific region, making an important contribution to the promotion of the peaceful uses of nuclear technology in that region.

In order to comply fully with the obligations set forth in the Treaty to promote the peaceful use of nuclear energy and international cooperation in this field, China is of the opinion that technical assistance to developing countries should be further strengthened; that unreasonable restrictions on the transfer of nuclear technologies to developing countries should be eliminated; and that the development and utilization of nuclear energy by developing countries for peaceful uses should be given active support, so that nuclear energy can bring benefits to all mankind.

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# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2000

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## Systematic and progressive efforts to reduce nuclear weapons globally: a food for thought paper

### Submitted by the United Kingdom of Great Britain and Northern Ireland

#### Introduction

1. The United Kingdom's goal is the global elimination of nuclear weapons. The present paper is intended to give a preliminary indication of what the United Kingdom believes will be entailed in pursuing systematic and progressive efforts to achieve this.

#### Key points

2. In progressing towards this goal there are a number of issues that will need to be considered, but three are of key importance:

- Nuclear arms control issues;
- Underlying political issues; and
- Related security issues.

#### Nuclear issues

3. In the nuclear sphere itself there are three main kinds of State: the nuclear-weapon States party to the Non-Proliferation Treaty, the non-nuclear-weapon States party to the Non-Proliferation Treaty and the States not party to the Non-Proliferation Treaty. Each kind of State has an important contribution to play in making progress towards reducing and eliminating nuclear weapons globally.

#### Nuclear-weapon States party to the Non-Proliferation Treaty

4. Each of the nuclear-weapon States party to the Non-Proliferation Treaty clearly has a key role to play in movement towards the global elimination of nuclear weapons. But their nuclear forces vary considerably in size. In particular, there is at present a clear distinction in size between, on the one hand, the nuclear forces of the Russian Federation and the United States of America and, on the other hand, the nuclear forces of China, France and the United Kingdom.

5. The United Kingdom recognizes that, aware of their particular situation, the Russian Federation (or its predecessor) and the United States have been negotiating bilaterally since the late 1960s to control and reduce their nuclear forces. With the end of the cold war there has been a decisive shift from control to reduction, through various bilateral agreements and a number of unilateral actions. Moreover, in addition to reducing nuclear forces, much effort has also gone into risk reduction and confidence-building measures and into dealing with the fissile materials now surplus to defence needs in both countries.

6. A crucial strand in any systematic and progressive effort to reduce nuclear weapons globally must be a continuation of these efforts by the Russian Federation and the United States. In particular, it is important that:

- START II and its Protocol should enter into force soon, along with the Anti-Ballistic Missile Treaty-related agreements reached in New York in September 1997;
- Both States should pursue to successful conclusions their discussions on a START III Treaty and on the Anti-Ballistic Missile Treaty, as set out in their Joint Statement of 20 June 1999.

7. The United Kingdom recognizes that the heavy responsibilities which fall to the Russian Federation and the United States as the largest nuclear-weapon States do not in any way diminish the responsibilities that also fall on the smaller nuclear-weapon States (China, France and the United Kingdom). They can each make an important contribution to the overall effort by:

- Keeping their forces at minimum levels;
- Accepting that in due course they will need to join the larger nuclear-weapon States in negotiations about their nuclear weapons.

8. In addition, even before that moment is reached, and preparatory to it, there are clearly steps that all five of the nuclear-weapon States could usefully take to:

- Minimize the risk of any accidental, unauthorized or mistaken use of nuclear weapons (through the maintenance of robust and effective nuclear command-and-control mechanisms and such measures as hotlines, risk reduction centres, prior notification and exchange of information about ballistic-missile launches, and detargeting agreements);
- Address their total holdings of warheads, including short-range (for example, by being more transparent about them and by working on the verification issues that controlling, reducing and eliminating all nuclear warheads will pose, building on the work already undertaken by some nuclear-weapon States);
- Deal with fissile material issues (for example, by being transparent about their current holdings of fissile material and, as far as possible, about the past production of fissile material for all purposes, identifying any fissile material surplus to their defence needs, placing it under international verification as soon as possible and, in the case of surplus weapons-grade fissile material, considering disposition arrangements for it);
- Pursue the consideration of the issue of security assurances to the non-nuclear-weapon States Parties.

### Non-nuclear-weapon States party to the Non-Proliferation Treaty

9. The 182 non-nuclear-weapon States party to the Non-Proliferation Treaty have already made an invaluable contribution to the achievement of nuclear disarmament. Without their past willingness to foreswear nuclear weapons, that goal would long before now have become a mirage. Its achievement still remains a possibility because of the restraint that they have shown. The United Kingdom gives full recognition to the vital contribution these States have thereby made towards sustaining the goal of the global elimination of nuclear weapons.

10. It follows that their continued commitment to the Non-Proliferation Treaty remains vitally important. Fortunately, in the vast majority of cases, the commitment of these States is not in any doubt. In many cases it has been further reinforced by additional commitments to treaties establishing nuclear-weapon-free zones and by a willingness to accept additional safeguards obligations through the conclusion of INFCIRC/540 agreements. Developments such as these continue to facilitate movement towards the elimination of nuclear weapons globally.

11. There have, however, been some very regrettable instances of non-nuclear-weapon States party to the Non-Proliferation Treaty falling short of the high standard set by most of them. The clandestine Iraqi nuclear weapons programme was exposed by inspections after the Gulf conflict, and there are continuing uncertainties about the past activities of the Democratic People's Republic of Korea. Dealing with these situations, and any others like them that may arise in the future, represents one of the most difficult challenges which all other States face in maintaining the conditions for further progress towards nuclear disarmament.

12. The United Kingdom does not claim to have easy solutions to such problems, but it is determined to work with others to deal with them as effectively as possible. Specific approaches have been devised in relation to Iraq and the Democratic People's Republic of Korea,

and the United Kingdom strongly supports Security Council resolution 1284 (1999) and the Agreed Framework. But there is clearly room for more thought on generic approaches to such problems. Unless the international community as a whole can address them successfully, the prospects for eliminating nuclear weapons globally will be gravely damaged.

### States not party to the Non-Proliferation Treaty

13. The problem of the four remaining States not party to the Non-Proliferation Treaty is another serious challenge that all parties to the Treaty face. The United Kingdom recognizes that Cuba has signed the Treaty of Tlatelolco on a regional nuclear-weapon-free zone, and has in practice placed its nuclear facilities under International Atomic Energy Agency (IAEA) safeguards. The other three non-parties — India, Israel and Pakistan — have yet to undertake similar measures. These States have made clear that they are firmly convinced that their security positions do not yet permit them to adhere to the Non-Proliferation Treaty in the only was they can, as non-nuclear-weapon States.

14. Nevertheless, the United Kingdom believes that this objective remains of fundamental importance and that in the meantime it is essential that these States exercise the maximum of restraint if there is to be continuing overall progress towards the elimination of nuclear weapons. The Resolution on the Middle East, adopted without a vote by the 1995 Review and Extension Conference of the Parties to the Non-Proliferation Treaty set out the steps that States in that region should take. Security Council resolution 1172 (1998) of 6 June 1998 sets out the steps which the two non-parties in South Asia should take.

### All States

15. In addition to the particular actions which the different kinds of State can take, there are some actions which all States can usefully take. In particular, they can all sign and ratify the Comprehensive Nuclear-Test-Ban Treaty if they have not already done so, and they can all work for the successful conclusion of negotiations for a fissile material cut-off treaty. The Comprehensive Nuclear-Test-Ban Treaty places important constraints on the development of nuclear weapons, and a fissile material cut-off treaty will be essential to place a limit on the amount of fissile material available for nuclear weapons.

### Underlying political issues

16. While it is clear from the above that every kind of State can make important and immediate contributions in the nuclear sphere itself, it is also clear that what happens in the nuclear sphere is not divorced from underlying political realities. There are no easy answers here. The world would be a better place if nuclear weapons were not still judged to be necessary, but the conditions for complete nuclear disarmament do not yet exist.

17. With the end of the cold war, it has proved possible to make rapid strides towards reducing the nuclear forces of the nuclear-weapon States. But plainly, further progress in this sphere will depend on maintaining good relations between all five of these States. For its part the United Kingdom is committed to achieving this, both bilaterally and collectively.

18. Nor is it an accident that the remaining States not party to the Non-Proliferation Treaty are, with one exception, in parts of the world where political tensions are particularly acute. It will therefore be important for them to work at managing and resolving those tensions. For our part we are working hard to bring about a just, lasting and comprehensive peace in the Middle East, which we hope will have a positive impact on the nuclear policy of that region's remaining non-party. As for South Asia, we stand ready to offer suitable assistance to the non-parties in that region if they would find that helpful in easing the tensions between them.

19. In noting these points about underlying political issues, the United Kingdom is not trying to make excuses for any State not making progress on the nuclear issues themselves. It is simply drawing attention to the reality that progress on these issues is likely in practice to be very dependent on progress in the wider political sphere, and that therefore this dimension must not be neglected in any systematic and progressive efforts to reduce nuclear weapons globally. Ultimately, to achieve the global elimination of nuclear weapons it will be necessary to create the conditions in which no State believes them necessary for its security.

### Related security issues

20. There are a number of related security issues that will be important in pursuing this goal.

21. One is what happens in relation to other weapons of mass destruction — biological and chemical weapons. Progress towards eliminating nuclear weapons is clearly going to be easier if the Chemical Weapons Convention secures universal adherence and compliance, and *if an effective protocol to strengthen* the Biological and Toxin Weapons Convention is rapidly concluded, adhered to by all and complied with by all. Securing these objectives must therefore be another important dimension in any overall approach to the elimination of nuclear weapons. And implementation of rigorous verification provisions will give added confidence that eventual nuclear disarmament can be properly verified. The United Kingdom is working hard to ensure that both the Chemical Weapons Convention and the Biological and Toxin Weapons Convention demonstrate that a global arms control regime can be made an effective reality.

22. Another complicating factor in the search for nuclear elimination is the developing capability of some countries in the ballistic missile field. By multiplying the potential threats to other countries, this potentially increases the risk of proliferation. So continued efforts to control and reduce the spread of ballistic-missile capabilities must be another crucial element in systematic and progressive efforts to reduce nuclear weapons globally.

23. The best solution would be to achieve a world in which the underlying political tensions that give rise to a sense of insecurity on the part of States have disappeared. *In such a world, all States would need to* be fully committed to the rule of international law. International rules of law go hand in hand with impartial, non-political arms-control compliance systems. We need to continue building confidence in both. Our efforts in biological and chemical weapons, in verifying conventional arms levels and in pursuing collective security arrangements are all an essential backdrop to creating the conditions for complete nuclear disarmament.

## Key tasks

24. It is the United Kingdom's preliminary view, therefore, that any truly systematic and progressive effort to reduce nuclear weapons globally, with a view to the goal of eliminating them, will have to comprise three key tasks:

- Making progress on the nuclear • issues themselves, along the lines set out in paragraphs 3 to 15 above;
- Addressing the underlying political issues along the lines set out in paragraphs 16 to 19 above; and
- Dealing with related security issues along the lines set out in paragraphs 20 to 23 above.

## Conclusion

25. The United Kingdom is unequivocally committed to nuclear disarmament. It offers this paper on what pursuing that goal will entail, in the hope that it will provide food for thought by all concerned States.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 May 2000

Original: English

New York, 24 April-19 May 2000

## Letter dated 8 May 2000 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Permanent Mission of Cuba to the United Nations has the honour to submit herewith the document entitled "Cuba's position on the Treaty on the Non-Proliferation of Nuclear Weapons".

The Permanent Mission of Cuba kindly requests that this document be circulated as an official document of the Conference.

## Annex to the letter dated 8 May 2000 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

## Document presented by the observer delegation of the Republic of Cuba to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

### Cuba's position on the Treaty on the Non-Proliferation of Nuclear Weapons

The decision to participate as an observer in the sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is a new demonstration of the interest with which Cuba follows up on all the questions relating to disarmament and non-proliferation, particularly those concerning nuclear weapons.

Cuba's clear and unequivocal position in favour of nuclear disarmament as the highest-priority issue in the field of disarmament is well-known.

For Cuba, it is completely unacceptable that the military doctrines based on the possession of nuclear weapons continue to be defended by certain countries. No State or group of States should be allowed the monopoly of nuclear weapons. The only way to guarantee lasting peace and security equally for all is by means of the total elimination of nuclear weapons.

The provisions contained in the Treaty on the Non-Proliferation of Nuclear Weapons are discriminatory and selective in their own essence, and they have, so far, prevented Cuba from signing or ratifying this Treaty.

The non-proliferation regime established by the Treaty runs against the principle of the sovereign equality of States, establishing two categories of States with different rights and obligations. The continuous quantitative and qualitative development of nuclear weapons is thus legitimized for the exclusive club of nuclear Powers recognized by the Treaty.

Since the Treaty came into force, most nuclear Powers have evidenced a clear lack of political will to materialize some of the fundamental objectives established by the Treaty, such as the contents of its articles VI and IV.

In spite of the continuous efforts carried out by a vast majority of the international community in favour of good-faith negotiations on effective measures relating to ceasing the nuclear arms race and nuclear disarmament, the provisions of article VI of the Treaty continue to be ignored by certain nuclear Powers.

Unjustifiable, unilateral restrictive measures on the exchange of scientific and technological equipment, materials and information for the peaceful use of nuclear energy continue to be imposed, contrary to the legitimate right of States to have full access to nuclear energy for peaceful ends. Such practices seek to be justified by the allegation that the safeguards systems established by virtue of the Non-Proliferation Treaty are not sufficient.

It is general knowledge that since Cuba is not a State party to the Treaty, it has no obligation to negotiate safeguards agreements with the International Atomic

Energy Agency (IAEA). However, as a result of a voluntary decision, at this moment all Cuban nuclear facilities are under safeguards agreements with IAEA and, accordingly, international inspections and reports are carried out as established under the agreements. Cuba's full compliance with IAEA commitments in questions concerning safeguards is acknowledged in the Agency's official reports and publications.

In addition, in October of last year, Cuba signed an additional protocol to the safeguards agreements, which it voluntarily agreed upon with IAEA. Cuba then became the first country that, having INFCIRC/66 safeguards agreements, signed an additional protocol with IAEA.

On 24 April, an explicit reference in an unacceptable tone was made to Cuba in the statement delivered before this Conference by the Secretary of State of the United States of America.

The "concern" of the United States about Cuba not being party to the Non-Proliferation Treaty is sheer hypocrisy, since the United States is a leading country in breaching key provisions of the Treaty, such as article VI.

The evidence has been disclosed by numerous delegations in the debate of this Conference. The United States continues to oppose the start of good-faith negotiations aimed at nuclear disarmament. It has reiterated its intentions to develop a national anti-missile defence system that will bring about irreparable harm to the world's strategic balance.

The constant opposition of the United States to the immediate start of negotiations in the Conference on Disarmament on crucial questions like nuclear disarmament and the proliferation of the arms race in outer space is one of the basic reasons why the Conference is genuinely in a stagnation phase.

The United States was among the main promoters of the North Atlantic Treaty Organization's New Strategic Concept, adopted last year in Washington, D.C., through which the role of nuclear weapons in security policies is being enlarged instead of diminished.

Furthermore, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty becomes a totally uncertain objective in face of the United States Senate's decision to not ratify that Treaty. The United States had better take care of these issues before making any call on Cuba.

Faithful to its commitment to nuclear disarmament and to the total elimination of nuclear weapons, Cuba will continue to move ahead, in the most transparent manner, in its programme on the use of nuclear energy for strictly peaceful ends.

NPT/CONF.2000/25

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 May 2000
English
Original: Spanish

New York, 24 April-19 May 2000

## Communiqué from the Ministers for Foreign Affairs of the Rio Group concerning the sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

### Submitted by Colombia on behalf of the Rio Group

1. The Ministers for Foreign Affairs of the countries members of the Permanent Mechanism for Consultation and Policy Coordination, Rio Group, realizing that the existence of nuclear weapons poses a grave threat to the survival of humanity, reiterate the full commitment of their countries to abide by and observe the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, urge all States that are party thereto to fulfil their obligations and emphasize the importance of the sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which is designed to strengthen the Treaty and its review process;

2. Consider that the Treaty is the focal point where all actions to prevent the proliferation of nuclear weapons converge and that it is the proper instrument for preventing the spread of the threat that the very existence of such weapons presents;

3. Are convinced that, in order for the non-proliferation regime to be truly effective and universal, it is essential that all States that have not yet signed and ratified the Treaty should do so and that those which have demonstrated that they have a nuclear capacity should do so as a matter or urgency;

4. Reaffirm that one of the most successful ways to advance towards the achievement of the total elimination of nuclear weapons is by creating nuclear-weapons-free zones, and reiterate the validity of the Treaty of Tlatelolco so that Latin America may continue to be a region free from nuclear weapons and, in that context, express their support for the creation of such zones in all the regions of our planet. In that connection, they recall the appeal made in 2000, at the sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, by the countries of the Andean Community;

5. Likewise recall the Declaration of the Forum for Consultation and Policy Coordination of MERCOSUR, Bolivia and Chile on the occasion of the thirtieth anniversary of the entry into force of the Treaty;

6. Support the initiative submitted at the sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons by Mexico, on behalf of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden, and the working paper on nuclear disarmament. In particular, they associate themselves to the appeal to nuclear-weapon States to assume an unequivocal commitment by completely eliminating their nuclear arsenals and to embark, in the course of the next review period 2000-2005, on an accelerated negotiations process and to take steps aimed at nuclear disarmament to which all States Parties will be bound under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

7. Reiterate their support for the negotiation in the Conference on Disarmament of a non-discriminatory, multilateral, internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or nuclear explosive devices, bearing in mind not only the goal of non-proliferation but also that of nuclear disarmament.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

16 May 2000

Original: English

New York, 24 April-19 May 2000

## Schedule of division of costs

In accordance with the cost-sharing formula adopted by the Conference contained in the appendix to the rules of procedure (see NPT/CONF.2000/1 (annex VI)), the following is the schedule for the division of costs based on the actual participation of States parties in the Conference:

| *State party* | *Percentage share of estimated total costs* |
|---|---|
| Albania | 0.002 |
| Algeria | 0.063 |
| Andorra | 0.003 |
| Angola | 0.007 |
| Antigua and Barbuda | 0.001 |
| Argentina | 0.804 |
| Armenia | 0.004 |
| Australia | 1.082 |
| Austria | 0.687 |
| Azerbaijan | 0.008 |
| Bahamas | 0.011 |
| Bahrain | 0.012 |
| Bangladesh | 0.007 |
| Barbados | 0.006 |
| Belarus | 0.042 |
| Belgium | 0.805 |
| Belize | 0.001 |
| Benin | 0.001 |
| Bhutan | 0.001 |
| Bolivia | 0.005 |

| | |
|---|---|
| Bosnia and Herzegovina | 0.004 |
| Botswana | 0.007 |
| Brazil | 1.073 |
| Brunei Darussalam | 0.015 |
| Bulgaria | 0.008 |
| Burkina Faso | 0.001 |
| Cambodia | 0.001 |
| Cameroon | 0.009 |
| Canada | 1.993 |
| Cape Verde | 0.001 |
| Central African Republic | 0.001 |
| Chile | 0.099 |
| China | 0.910 |
| Colombia | 0.079 |
| Congo | 0.002 |
| Costa Rica | 0.012 |
| Côte d'Ivoire | 0.007 |
| Croatia | 0.022 |
| Cyprus | 0.025 |
| Czech Republic | 0.078 |
| Democratic Republic of the Congo | 0.005 |
| Denmark | 0.505 |
| Djibouti | 0.001 |
| Dominican Republic | 0.011 |
| Ecuador | 0.015 |
| Egypt | 0.047 |
| El Salvador | 0.009 |
| Eritrea | 0.001 |
| Estonia | 0.009 |
| Ethiopia | 0.004 |
| Fiji | 0.003 |
| Finland | 0.396 |
| France | 7.140 |
| Gambia | 0.001 |
| Georgia | 0.005 |
| Germany | 7.189 |
| Ghana | 0.005 |
| Greece | 0.256 |

| | |
|---|---|
| Guatemala | 0.013 |
| Guyana | 0.001 |
| Haiti | 0.001 |
| Holy See | 0.001 |
| Honduras | 0.002 |
| Hungary | 0.088 |
| Iceland | 0.023 |
| Indonesia | 0.137 |
| Iran (Islamic Republic of) | 0.117 |
| Iraq | 0.023 |
| Ireland | 0.163 |
| Italy | 3.965 |
| Jamaica | 0.004 |
| Japan | 15.005 |
| Jordan | 0.004 |
| Kazakhstan | 0.040 |
| Kenya | 0.005 |
| Kuwait | 0.093 |
| Kyrgyzstan | 0.004 |
| Lao People's Democratic Republic | 0.001 |
| Latvia | 0.012 |
| Lebanon | 0.012 |
| Lesotho | 0.001 |
| Liberia | 0.001 |
| Libyan Arab Jamahiriya | 0.090 |
| Liechtenstein | 0.004 |
| Lithuania | 0.011 |
| Luxembourg | 0.050 |
| Madagascar | 0.002 |
| Malawi | 0.001 |
| Malaysia | 0.133 |
| Maldives | 0.001 |
| Mali | 0.001 |
| Malta | 0.010 |
| Marshall Islands | 0.001 |
| Mauritania | 0.001 |
| Mauritius | 0.007 |
| Mexico | 0.726 |

| | |
|---|---|
| Micronesia (Federated States of) | 0.001 |
| Monaco | 0.003 |
| Mongolia | 0.001 |
| Morocco | 0.030 |
| Mozambique | 0.001 |
| Myanmar | 0.006 |
| Namibia | 0.005 |
| Nauru | 0.001 |
| Nepal | 0.003 |
| Netherlands | 1.190 |
| New Zealand | 0.161 |
| Nicaragua | 0.001 |
| Niger | 0.001 |
| Nigeria | 0.023 |
| Norway | 0.445 |
| Oman | 0.037 |
| Panama | 0.009 |
| Papua New Guinea | 0.005 |
| Paraguay | 0.010 |
| Peru | 0.072 |
| Philippines | 0.059 |
| Poland | 0.143 |
| Portugal | 0.314 |
| Qatar | 0.024 |
| Republic of Korea | 0.734 |
| Republic of Moldova | 0.007 |
| Romania | 0.041 |
| Russian Federation | 8.000 |
| Saint Lucia | 0.001 |
| Samoa | 0.001 |
| San Marino | 0.001 |
| Saudi Arabia | 0.410 |
| Senegal | 0.004 |
| Sierra Leone | 0.001 |
| Singapore | 0.131 |
| Slovakia | 0.026 |
| Slovenia | 0.044 |
| Solomon Islands | 0.001 |

| | |
|---|---|
| South Africa | 0.267 |
| Spain | 1.890 |
| Sri Lanka | 0.009 |
| Sudan | 0.005 |
| Suriname | 0.003 |
| Swaziland | 0.001 |
| Sweden | 0.787 |
| Switzerland | 0.886 |
| Syrian Arab Republic | 0.047 |
| Tajikistan | 0.003 |
| Thailand | 0.124 |
| The former Yugoslav Republic of Macedonia | 0.003 |
| Togo | 0.001 |
| Tonga | 0.001 |
| Trinidad and Tobago | 0.012 |
| Tunisia | 0.020 |
| Turkey | 0.321 |
| Turkmenistan | 0.004 |
| Uganda | 0.003 |
| Ukraine | 0.139 |
| United Arab Emirates | 0.130 |
| United Kingdom of Great Britain and Northern Ireland | 6.130 |
| United Republic of Tanzania | 0.002 |
| United States of America | 32.820 |
| Uruguay | 0.035 |
| Uzbekistan | 0.018 |
| Vanuatu | 0.001 |
| Venezuela | 0.116 |
| Viet Nam | 0.005 |
| Yemen | 0.007 |
| Zambia | 0.001 |
| Zimbabwe | 0.007 |

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2000

Original: English

New York, 24 April-19 May 2000

## Note verbale dated 17 May 2000 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Permanent Representative of Poland to the United Nations has the honour to forward herewith the position of the delegations of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, the former Yugoslav Republic of Macedonia, Poland, Romania, Slovakia and Slovenia on the Belarus proposal to establish a nuclear-weapon-free space in Central and Eastern Europe, and kindly requests the Secretary-General of the Review Conference to publish it as a document of the Conference.

## Annex to the note verbale dated 17 May 2000 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

## Joint statement by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, the former Yugoslav Republic of Macedonia, Poland, Romania, Slovakia and Slovenia

In connection with paragraph 59 of the report of Main Committee II (NPT/CONF.2000/MC.II/1) and with working paper NPT/CONF.2000/MC.II/WP.16, the above-mentioned countries must remind the Secretary-General of the Review Conference that a proposal expressed there is once again being advanced in disregard of the wishes of the overwhelming majority of countries from the region and in contradiction to the universally agreed principle mentioned in the United Nations Disarmament Commission guidelines. We should also like to recall that, in accordance with the guidelines on nuclear-weapon-free zones (para. 43), any proposal on the establishment of a nuclear-weapon-free zone on the basis of arrangements freely arrived at should be considered in international forums only after consensus on the objective of such a zone has been achieved through broad consultations among countries from the region concerned. As this group of countries has stated on numerous previous occasions, this is far from being the case in our region.

Even though our delegations do not wish to prejudge the future relevance of similar initiatives, in view of the lack of consensus on this issue we are not in a position to accept any reference to the establishment of a nuclear-weapon-free-zone or space in Central and Eastern Europe.

NPT/CONF.2000/DEC.1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

25 April 2000

Original: English

New York, 24 April-19 May 2000

## Decision on subsidiary bodies

The Conference of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons decides to establish for the duration of the 2000 Review Conference a subsidiary body under Main Committee I and Main Committee II, respectively.

The Conference further decides that:

(a) The subsidiary body established under Main Committee I as subsidiary body 1 will discuss and consider the practical steps for the systematic and progressive efforts to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament". The subsidiary body will be chaired by Ambassador Clive Pearson of New Zealand. The subsidiary body will be open-ended. It will hold four meetings within the overall time allocated to the Main Committee. The meetings will be held in private;

(b) The subsidiary body established under Main Committee II as subsidiary body 2 will examine the "regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution". The subsidiary body will be chaired by Ambassador Christopher Westdal of Canada. The subsidiary body will be open-ended. It will hold four meetings within the overall time allocated to the Main Committee. The meetings will be held in private.

The outcome of the work of the subsidiary bodies will be reflected in the report of the respective Main Committees to the Conference.

NPT/CONF.2000/WP.1

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

24 April 2000

Original: English

New York, 24 April-19 May 2000

# Further measures to be taken for the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

## Working paper submitted by Japan and Australia

The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone for nuclear non-proliferation and disarmament. "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted at the 1995 Review and Extension Conference is a major achievement in the efforts to realize the goal of the Treaty.

The States Parties to the Treaty reaffirm their commitments to the above-mentioned "Principles and Objectives" and stress that the following further measures should be taken for the implementation of the Treaty:

### Nuclear non-proliferation and disarmament

1. The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the moratorium on nuclear-weapon test explosions or any other nuclear explosions pending the entry into force of that Treaty.

2. The immediate commencement of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices, on the basis of the report of the Special Coordinator of the Conference on Disarmament in 1995 and the mandate contained therein and their conclusion preferably before 2003, but not later than 2005, and, pending the entry into force of the treaty, a moratorium on the production of fissile material for nuclear weapons.

3. The immediate entry into force and the full implementation of START II, the early commencement and completion of the negotiations on START III, and continuation of the process beyond START III.

4. Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally, and the commencement of negotiations involving the nuclear-weapon States for the reduction of nuclear weapons at an appropriate stage.

5. Multilateral discussions in the Conference on Disarmament on possible future steps on nuclear disarmament and nuclear non-proliferation.

### Nuclear-weapon-free zone

6. The early completion of the negotiations on a nuclear-weapon-free zone in Central Asia.

### Safeguards

7. Universalization of the International Atomic Energy Agency (IAEA) Additional Protocol (INFCIRC/540 (corrected)) and early establishment of the "Integrated Safeguards" for strengthening the effectiveness and improving the efficiency of the safeguards system.

8. The disposition of fissile materials no longer required for defence purposes and placement of such materials and civil fissile materials under appropriate international safeguards with a view to ensuring the irreversibility of nuclear disarmament.

NPT/CONF.2000/WP.2/Rev.1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 May 2000

Original: English

New York, 24 April-19 May 2000

## Implementation of the decision on strengthening the review process for the Treaty

### Working paper submitted by Japan and Australia

[Background]

It is not the intention of Japan to reopen or renegotiate the decision on strengthening the review process for the Treaty in 1995, but rather to improve the operation of the Preparatory Committee in carrying out its own terms of reference provided for in that decision.

[Japan's proposal]

1. The Preparatory Committee should focus, at its early stage, more on the review of the implementation of the Treaty as well as its universality.

2. In doing so, the Preparatory Committee should also address international and regional issues or events, if any, which are important and relevant to the Treaty at each session.

3. The Preparatory Committee should start drafting works on its substantive recommendations to the Review Conference at its later stage.

4. The discussions on the subjects indicated in 1 and 2 above should be reflected in the Chairman's summary at each session of the Preparatory Committee.

NPT/CONF.2000/WP.3

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

24 April 2000
English
Original: English/Spanish

New York, 24 April-19 May 2000

## Letter dated 24 April 2000 from the Minister for Foreign Affairs of Mexico addressed to the Secretary-General of the Review Conference

I have the honour to transmit herewith the working paper entitled "Nuclear disarmament" submitted by the delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden.

I should be grateful if this working paper could be circulated as an official document of the Sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

(*Signed*) Rosario **Green**

The delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden propose the following text as the identification of areas in which, and the means through which, further progress should be sought in the future regarding the obligation under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to achieve nuclear disarmament:

## Nuclear Disarmament

The Sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Reaffirming* the preamble and articles of the Treaty on the Non-Proliferation of Nuclear Weapons,

*Stressing* the importance of the full implementation of the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and their continued validity,

*Bearing in mind* that the overwhelming majority of States have entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and *recalling* that these undertakings were made in the context of corresponding legally binding commitments by the nuclear-weapon States to the pursuit in good faith of nuclear disarmament,

*Recalling* the unanimous conclusion of the International Court of Justice in its 1996 advisory opinion that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control

*Reaffirming* that the strict observance of the provisions of the Treaty remains central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons, and preserving the Treaty's vital contribution to peace and security,

*Concerned* that negotiations on nuclear arms reductions are currently stalled,

*Concerned also* at the continued retention of the nuclear-weapons option by those three States that operate unsafeguarded nuclear facilities and that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, *and* at their failure to renounce that option,

*Stressing* that the Treaty on the Limitation of Anti-Ballistic Missile Systems remains a cornerstone of strategic stability and underlining the responsibility of its States Parties to preserve its integrity,

*Underlining* the imperative, in the interim leading to the elimination of nuclear weapons, of lessening the role of these weapons in security policies in a manner that enhances strategic stability so as to facilitate the process of elimination,

*Affirming* that the maintenance of a nuclear-weapon-free world will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments, *Bound* by the Treaty to the achievement of a nuclear-weapon-free world,

*Affirms* the need to move with determination to the full realization and effective implementation of the purposes and all the provisions of the Treaty, and *affirms* the accountability of the States Parties for the fulfilment of their obligations under the Treaty, and to this end:

1. The five nuclear-weapon States make an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and, in the course of the forthcoming review period 2000-2005, to engage in an accelerated process of negotiations and to take steps leading to nuclear disarmament to which all States Parties are committed under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

2. The United States of America and the Russian Federation undertake to fully implement the Treaty on Further Reduction and Limitation of Strategic Offensive Arms (START II) and commence without further delay negotiations on START III with a view to its early conclusion;

3. The nuclear-weapon States undertake to proceed to the early integration of all five nuclear-weapon States into the process leading to the total elimination of their respective nuclear weapons;

4. The five nuclear-weapon States undertake, as early and interim steps:

(a) To adapt their nuclear policies and postures so as to preclude the use of nuclear weapons;

(b) To proceed to the de-alerting, to the removal of nuclear warheads from delivery vehicles and to the withdrawal of all nuclear forces from active deployment pending their complete elimination;

(c) To reduce tactical nuclear weapons and to proceed to their elimination as an integral part of nuclear arms reduction;

(d) To demonstrate greater transparency with regard to their nuclear arsenals and fissile material inventories;

(e) To further develop the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency so as to include all five nuclear-weapon States in similar arrangements and to ensure the irreversible removal of fissile material from weapons programmes;

(f) To apply the principle of irreversibility in all nuclear disarmament, nuclear arms reduction, and nuclear arms control measures;

5. The States Parties agree on the importance and urgency of achieving:

(a) The signature and ratification, unconditionally and without delay, of the Comprehensive Nuclear-Test-Ban Treaty and, pending the entry into force of the Treaty, the observance of moratoria on nuclear tests;

(b) A non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, taking into consideration both nuclear non-proliferation and nuclear disarmament objectives, and pending the entry into force of the Treaty, the observation of a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices;

(c) The establishment in the Conference on Disarmament of an appropriate subsidiary body with a mandate to deal with nuclear disarmament;

6. The States Parties agree on the importance and urgency of the pursuit, extension and establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at, among States of the regions concerned, especially in regions of tension, such as the Middle East and South Asia, as significant contributions to a nuclear-weapon-free world;

7. The States Parties agree on the importance of the negotiation and conclusion at an early date of an internationally legally binding instrument to effectively assure non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the use or threat of use of nuclear weapons;

8. The States Parties call upon those States that have not yet done so to adhere unconditionally and without delay to the Treaty on the Non-Proliferation of Nuclear Weapons and to take all the necessary measures required by adherence to that instrument as non-nuclear-weapon States parties;

9. The States Parties call upon the three States that operate unsafeguarded nuclear facilities and that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and that have not renounced the nuclear-weapons option to reverse clearly and urgently the pursuit of all nuclear-weapons development or deployment and to refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of the proliferation of nuclear weapons.

NPT/CONF.2000/WP.4/Rev.1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2000

Original: English

New York, 24 April-19 May 2000

## Strengthening the review process for the Treaty

### Revised working paper submitted by Ireland

1. The 1995 Review and Extension Conference decided to strengthen the review process for the Treaty for the review period 1995 to 2000 by holding 10-day meetings of the Preparatory Committee for the Review Conference in each of the three years preceding the 2000 Review Conference.

2. The mandate of the Preparatory Committee meetings was "to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference including those identified in the Decision on Principles and Objectives. These meetings should also make the procedural preparations for the 2000 Review Conference."

3. The mechanism proposed to give effect to Decision 1 was intended to facilitate the progressive and incremental development of recommendations to the 2000 Review Conference. States Parties are agreed that this mechanism has proven inadequate for that purpose. It is therefore appropriate for the States Parties at the present Conference to explore the type of institutional framework which would achieve the purposes of the 1995 Decision.

4. The output of the Preparatory Committee from its three sessions of 10 days each between 1997 and 1999 was no more than the procedural recommendations that a preparatory committee would typically make in two short sessions. The States Parties, while willing to engage in more substantive discussion at those sessions, continued to apply the narrow legal interpretation of the character of a preparatory committee's output, namely that all its products should remain provisional until considered by the Conference of States Parties. This can hardly be described as a strengthened review process. It corresponds typically with the limits of a process based on a preparatory committee.

5. It is timely that the States Parties at this Conference re-examine the means of achieving the purposes they set down in 1995. It is immediately apparent that by comparison with other treaties, the Non-Proliferation Treaty is deficient in not providing for a General Conference, an Executive Council or a Secretariat. While the International Atomic Energy Agency (IAEA), through its Board of Governors

and its annual General Conferences, provides the possibility of a regular scrutiny of the operation of articles III and IV of the Treaty, the IAEA statute does not extend to other articles of the Treaty, in particular to article VI. Its membership is also not coincident with that of the Non-Proliferation Treaty.

6. The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), by contrast, provides for biennial meetings of a General Conference to consider and decide on any matters or questions covered by the Treaty. As distinct from preparatory committee meetings, the States Parties at General Conferences could take decisions regarding the operation of the Treaty, a need which has been repeatedly expressed by delegations at the present Conference.

7. It is proposed therefore that consideration be given by the States Parties to establishing annual General Conferences of States Parties to the Non-Proliferation Treaty to consider and decide on any matters or questions covered by the Treaty. These meetings would be held in the years other than those in which Review Conferences are held. Provision could also be made for convening extraordinary meetings of the General Conference if requested by a majority of States Parties.

8. As the Treaty does not provide for an executive to oversee implementation, there is no requirement for a Governing Council in respect of the Non-Proliferation Treaty. A small secretariat, which the Secretary-General of the United Nations could be asked to provide — within the Department of Disarmament Affairs — could distribute information received from the States Parties and prepare an annual report to the General Conference in addition to organizing the annual conferences, as is now done in the case of Review Conferences and Preparatory Committee meetings. The draft agenda for the General Conference could be prepared by the bureau of the General Conference.

9. In terms of resources, meetings of General Conferences, typically of three to four days in the four years between Review Conferences, would be a less burdensome drain on resources than the three two-week sessions of the Preparatory Committee from 1995 to 2000 have been. On the basis of agreed agendas, the General Conferences would allow for a regular and focused examination of the operation of the Treaty, bolstered by implementation reports submitted by States Parties. They would also provide an opportunity to react to and take decision upon issues affecting the implementation of the Treaty which require an early response, and even, in the case where the convening of an extraordinary conference were agreed, an immediate response.

10. The functions assigned to the Preparatory Committee for the years 1995-2000, namely "to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference including those identified in the Decision on Principles and Objectives", would be assumed by the General Conference.

11. The procedural preparations for the 2005 Review Conference would be made by a preparatory committee meeting immediately following the annual General Conference of 2004.

## Draft decision

1. The States Parties decided to establish a General Conference of States Parties to be held on an annual basis in the years other than those in which the Review Conference of the States Parties meets, to consider and decide on any matters or questions covered by the Treaty and to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference, including those identified in the Decision on Principles and Objectives.

2. The States Parties requested the Secretary-General of the United Nations to receive and distribute documents from States Parties relating to the implementation of the Treaty and to organize the meetings of the General Conference.

3. The States Parties decided that the draft agenda of the General Conferences would be prepared by the Bureau of the Conference for adoption by the General Conference. The duration of the General Conference shall be of not more than four days.

4. The States Parties decided that an extraordinary meeting of the General Conference may be called at the request of a two-thirds majority of the States Parties.

5. The States Parties decided that the General Conference would assume the functions hitherto undertaken by the Preparatory Committee, in particular the consideration of principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the 2005 Review Conference. Procedural preparations for the 2005 Review Conference shall be made by a preparatory committee meeting immediately following the General Conference of 2004.

NPT/CONF.2000/WP.5

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Reinforcing the strengthened review process

### Working paper submitted by Canada

We reaffirm our commitment to Decision 1 on "Strengthening the Review Process for the Treaty", adopted by the 1995 Review and Extension Conference. An effective review process is central to the full observance of the principle of "permanence with accountability". We firmly believe that any proposals put forward to the Review Conference should enhance and not detract from the 1995 Decision. In that context, we recall our working paper dated 3 May 1999 entitled "Further enhancing the strengthened review process for the Treaty" (NPT/CONF.2000/PC.III/3), as well as our statement of 10 May 1999 to the third session of the Preparatory Committee, and propose focusing on the following measures:

**The Preparatory Committees**

- Each session of the Preparatory Committee should consider and issue a report on the implementation of the Non-Proliferation Treaty, relevant to those articles considered at that session;
- Preparatory Committee sessions may also, on the basis of consensus, pronounce themselves on other key issues pertaining to the functioning and implementation of the Treaty;
- In addition, Preparatory Committees, as non-negotiating forums, should summarize their deliberations and forward those summaries to successive sessions, culminating in recommendations to the Review Conference for action by that body to promote the full implementation of the Treaty, as well as its universality.

**The Review Conference**

- Each Review Conference should also consider the vitality and integrity of the review process itself. When States Parties consider it necessary, a Review Conference could decide on measures on further enhancing the strengthened review process.

**Public profile**

- Each Review Conference, as well as its preparatory process, should consider greater transparency, including increased NGO access and participation and enhanced media awareness;
- NGO participation would be open to eligible NGOs working in the field of nuclear non-proliferation and nuclear disarmament. The eligibility of NGOs may be decided by the President of the Review Conference and Chairman of a Preparatory Committee session, on the basis of a list provided by the United Nations Department for Disarmament Affairs. NGO participation could be considered on the basis of geographic representation, but with each NGO having a demonstrated record of appropriate work in this field.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2000

Original: English

New York, 24 April-19 May 2000

## Strengthened review

### Working paper submitted by the United States of America

1. Some are concerned that the "strengthened review" envisaged in 1995 has fallen short of expectations. Since the overall process from the beginning of the preparatory work to the end of the 2000 Review Conference has yet to be completed, it may be premature to formulate firm conclusions about the nature of the process. At this juncture, however, it appears desirable to begin consideration of the various elements which collectively could comprise a complete working definition of what constitutes a strengthened review process. There are several factors which could be included in such a definition.

2. First, did the process accomplish the necessary goal of preparing participants for the many issues likely to be addressed at the Review Conference? Certainly the preparatory work leading up to the 2000 Review Conference achieved this purpose. The myriad speeches, proposals and comments assembled appear to identify the issues of concern to participants and to describe adequately the spectrum of ideas that the 2000 Conference will address. Delegates clearly identified those new issues requiring attention, notably the South Asian nuclear tests. Delegates also agreed that it was important that those tests not weaken the non-proliferation norm or provide an opportunity for additional States to claim status under the Non-Proliferation Treaty as nuclear-weapon States. In addition, most nuclear-weapon States provided information at some or all of the Preparatory Committee meetings apprising parties of their activities in pursuit of nuclear disarmament. Non-nuclear-weapon States provided their assessment of the adequacy of those efforts and identified steps they believed the nuclear-weapon States should pursue.

3. Second, did the process address sufficiently the variety of organizational and administrative issues that must be resolved in preparation for the Review Conference? Clearly, the preparatory process leading up to the 2000 Review Conference successfully resolved the full range of these issues, providing the basic organizational structure necessary to allow the Conference to pursue its work.

4. Third, was decision-making in the preparatory process sufficient to allow recommendations to be made by the Preparatory Committee to the Review Conference itself? On this it is clear that the Preparatory Committee was not able to achieve *consensus* recommendations to the Review Conference. However, it may

well be that such a goal is simply beyond the reach of a preparatory process that must equitably address the views and concerns of 187 States. Indeed, history reminds us that the past five Review Conferences were able to achieve a consensus outcome only twice. Rather than seeking an outcome that will always remain at best elusive, it may be best to consider alternatives.

5. In this connection, it may be desirable to develop clear distinctions about the purpose of the different preparatory meetings. For example, paragraph 3 of Decision I on strengthening the review process contemplates a two-week preparatory committee meeting during each of the three years prior to the Review Conference with the possibility of a fourth if that is considered necessary. It could be the purpose of the first two preparatory meetings "to *consider* principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality" and the purpose of the third preparatory meeting "*to make recommendations*" thereon to the Review Conference. The two preparatory committees tasked with consideration only could discuss the clustered issues and, if proposals are tabled, compile them for the third preparatory committee and the Review Conference. The third preparatory committee could also discuss issues within the clusters and receive tabled proposals, but would also make an effort to elaborate consensus recommendations or identify priority issues that the preparatory committee recommends be addressed at the Review Conference.

6. Because of the difficulty of achieving consensus on what issues to include, commenting on contemporary events, or taking a "snapshot", should be avoided. Moreover, such an approach is more appropriate for the Review Conference itself, not meetings of preparatory committees.

7. There are other approaches that could be contemplated for organizing the first two preparatory meetings. One approach would be to focus each meeting on different substantive issues, e.g., peaceful uses, safeguards and nuclear-weapon-free zones at one meeting and non-proliferation and disarmament at the other. Another approach would be to schedule seminars and briefings at preparatory committee meetings, in addition to plenary debate, that would permit exchanges of information and relevant educational initiatives on the topics being considered.

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

4 May 2000

Original: English

New York, 24 April-19 May 2000

# Proposals to improve the effectiveness of the strengthened review process of the Non-Proliferation Treaty, including a programme of action

## Working paper submitted by the Netherlands and Norway

## I. Background

**The present proposal builds on Decision 1 on "Strengthening the Review Process for the Treaty", adopted by the 1995 Review and Extension Conference. Improved working procedures should be created in order to revitalize the review process of the Non-Proliferation Treaty. For this purpose a programme of action should be developed for dealing with decisions made by the parties to the Treaty. Under such a programme, the parties would commit themselves to carrying out the decisions made by the Review Conference in the period between two Review Conferences. To make this possible, each of the sessions of the Preparatory Committee should be devoted to a limited number of specific thematic issues. In addition, they should include one part dealing with new initiatives and measures, and one part reviewing the operation of the Treaty, regional issues, compliance and universalization as well as procedural issues relating to the Review Conference.**

## II. Proposal

1. The States Parties affirm the need to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and Principles and Objectives for Nuclear Non-Proliferation and Disarmament. For this purpose the States Parties adopt a Programme of Action to reinforce the strengthened review process of the Treaty.

2. The States Parties agree that the Programme of Action should include the following elements to be considered for the period up to the 2005 Review Conference:

- Entry into force of the Comprehensive Nuclear-Test-Ban Treaty;
- Negotiations on a treaty banning the production of fissile material for nuclear weapons and other explosive devices;
- Transparency measures with regard to strategic and non-strategic nuclear arsenals and exchange of information and views on nuclear arms reductions;
- Options for dealing with weapons-usable fissile material;
- Peaceful uses of nuclear energy;
- Adherence to the comprehensive safeguards agreements of the International Atomic Energy Agency (IAEA) and the Agency's new Additional Protocol on full-scope safeguards;
- Multilateral export control arrangements with a view to increasing transparency in nuclear-related export controls;
- Security assurances;
- Nuclear-weapon-free zones.

3. The States Parties agree that each session of the Preparatory Committee should consist of three components: one part focusing on specific issues in the Programme of Action, one part dealing with new initiatives and measures of relevance for the Non-Proliferation Treaty, and one part reviewing the operation of the Treaty, regional issues, compliance and universalization as well as procedural issues relating to the Review Conference.

4. The States Parties further agree that the Preparatory Committee should hold four sessions prior to each of the Review Conferences. The fourth session should be held as early as possible in that calendar year.

5. The States Parties consider that a distribution of items from the Programme of Action along the following line would be highly desirable:

First session:

- Entry into force of the Comprehensive Nuclear-Test-Ban Treaty;
- Negotiations on a treaty banning the production of fissile material for nuclear weapons and other explosive devices;

Second session:

- Transparency with regard to strategic and non-strategic nuclear arsenals and exchange of information and views on nuclear arms reductions;
- Options for dealing with weapons-usable fissile material;
- Peaceful uses of nuclear energy;

Third session:

- Accession to the IAEA comprehensive safeguards agreements and the Agency's new Additional Protocol on full-scope safeguards;
- Multilateral export control arrangements with a view to increasing transparency in nuclear-related export controls;

Fourth session:

- Security assurances;
- Nuclear-weapon-free zones.

6. Procedural preparations required for the following Review Conference should be made at the fourth session.

NPT/CONF.2000/WP.8

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2000
English
Original: French

New York, 24 April-19 May 2000

## Working paper submitted by France

### (Review of the implementation of Article VI)

The French delegation would like to see the following elements included in the report on the implementation of Article VI:

1. Changes in the strategic environment have allowed France to modify the structure of its nuclear forces and to make significant unilateral reductions.

2. The alert status of French nuclear forces was twice reduced, in 1992 and in 1996. These reductions were in both the response times of forces and the number of weapons systems on alert.

3. The President of the French Republic announced in 1997 that, with the dismantling of the missiles on the Plateau d'Albion, no component of the French nuclear deterrent remained aimed at designated targets.

4. In order to adapt the format of its nuclear forces to the new strategic realities, France has chosen not to continue the development of a number of programmes and has reduced both its nuclear arsenal and its budgetary allocations to the military nuclear sector. Note should be taken in particular of the complete withdrawal and dismantling of the surface-to-surface nuclear component, namely, the strategic missiles from the Plateau d'Albion and the HADES short-range missiles, the reduction in the format of the airborne and sea-based components (from five to four nuclear-powered ballistic-missile submarines (SSBN)), the resulting reduction of the French nuclear deterrent force to two components, and the reduction by over a half in the total number of delivery vehicles.

5. France has definitively ceased its nuclear tests, signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT) on 24 September 1996 and ratified it on 6 April 1998. It has closed its nuclear testing facility in the Pacific and completed the dismantling of the facility in July 1998. For the sake of transparency, an in-depth scientific survey of the radiological situation of the atolls was conducted by the International Atomic Energy Agency (IAEA) during a two and a half-year period beginning in 1996.

6. Following its announcement in 1995 of a moratorium on the production of fissile material for nuclear weapons, France definitively closed its Pierrelatte

uranium enrichment plants and the Marcoule spent fuel reprocessing plant. The decision was taken to dismantle these facilities and dismantling operations are currently under way.

7. To date, all non-nuclear-weapon States Parties to the NPT have received negative and positive security assurances from France. Over 100 States have received negative assurances in the form of international treaties which are binding through protocols additional to the treaties establishing nuclear-weapon-free zones.

8. France is an active participant together with Germany in a programme for the elimination of Russian military-grade plutonium in excess of defence needs by recycling this plutonium as mixed oxide (MOX) fuel for irradiation in reactors to make it unsuitable for subsequent military use.

9. In the field of general and complete disarmament, particular note should be taken of the ratification by France of the Chemical Weapons Convention, on 2 March 1995, and of the Ottawa Convention on Anti-Personnel Mines, on 8 July 1998, as well as the signature of the adapted Treaty on Conventional Armed Forces in Europe, on 18 November 1999.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 May 2000

Original: English

New York, 24 April-19 May 2000

## Strengthening the review process for the Treaty: proposal for the establishment of a Non-Proliferation Treaty Management Board

### Working paper submitted by Nigeria

1. The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global nuclear non-proliferation regime and it has served the international community very well. In recent times, it has been facing serious challenges. Those challenges, as well as the recurring differences and confrontations each time a review process is in motion, have revealed the weakness of the Treaty, the vulnerability of the non-proliferation regime, and the fragility of the coalition that brought about consensus decisions at the 1995 Review and Extension Conference.

2. Management questions have too often been at the core of the problems of the Non-Proliferation Treaty review processes. Indeed, during the long intervening periods between review conferences, parties to the Treaty do not have Treaty-based consultative mechanisms to turn to for their complaints, difficulties, frustrations or any other concerns. In the past, such concerns have been allowed to reach boiling point and are then heaped on the review conferences, resulting in inconclusive meetings in certain cases. This is in sharp contrast to other treaties, such as the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty, which have their own implementing organizations, along with their Governing Councils, to supervise the operation of those treaties and deal with the concerns of the parties.

3. In order to address this shortcoming in the Non-Proliferation Treaty, it is proposed that consideration be given by the parties to the establishment of a Non-Proliferation Treaty Management Board that would serve as an executive body for the Treaty and the decisions adopted by the parties.

4. The Board's activities should be complementary to, and not in competition with, those of the International Atomic Energy Agency under articles III and IV of the Treaty, the review conferences and their preparatory committees.

5. The functions to be performed by the Board will include:

(a) Receiving and deliberating on complaints about non-compliance, difficulties that the parties may be experiencing and any other concerns;

(b) Acting as a clearing house for information and reports, including the annual reports to be submitted by the parties on their nuclear activities as well as other matters relating to the Treaty;

(c) Preventing proliferation;

(d) Responding to any significant cases affecting the integrity of the Treaty;

(e) Generally acting as an Executive Council overseeing the operation of the Treaty;

(f) Serving as a consultative mechanism through which parties to the Treaty could hold dialogue with non-parties, as well as encourage them to join the Treaty.

6. Members of the Board shall be elected by the parties to the Treaty, bearing in mind the need for equitable geographical distribution and to include members with advanced nuclear programmes.

NPT/CONF.2000/MC.I/1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 May 2000

Original: English

New York, 24 April-19 May 2000

## Report of Main Committee I

### Establishment and terms of reference

1. Pursuant to rule 34 of its rules of procedure, the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee I as one of its three Main Committees, and decided to allocate to it the following items for its consideration (see NPT/CONF.2000/1, annex VIII):

**Item 16**. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

(i) Articles I and II and preambular paragraphs 1 to 3;

(ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII, with specific reference to the main issues considered in this Committee;

(b) Security assurances:

(i) Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

**Item 17**. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

## Officers of the Committee

2. The Conference elected Camilo Reyes Rodríguez (Colombia) as the Chairman of the Committee, and Jean Lint (Belgium) and Vadim Reznikov (Belarus) as Vice-Chairmen of the Committee.

## Establishment of Subsidiary Body I

3. At its first plenary meeting, on 24 April 2000, the Conference decided to establish, for the duration of the 2000 Review Conference, a Subsidiary Body I under Main Committee I, chaired by Clive Pearson (New Zealand). The Conference further decided that Subsidiary Body I would discuss and consider the practical steps for the systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament". Furthermore, the Conference decided that Subsidiary Body I would be open-ended, that it would hold four meetings within the overall time allocated to the Main Committee, that its meetings would be held in private and that the outcome of its work would be reflected in the report of Main Committee I to the Conference (NPT/CONF.2000/DEC.1). At the time of that decision, the President further stated that the purpose of the Subsidiary Body is to identify the areas in which, and the means through which, further progress should be sought in the future on the issue being considered by the Subsidiary Body.

4. Accordingly, Subsidiary Body I held four private meetings and a number of informal meetings between 3 and 10 May 2000. The outcome of its work is contained in paragraph 11 below.

## Documents before the Committee

5. The Committee had before it the following background documents:*

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| NPT/CONF.2000/2 | Implementation of the tenth preambular paragraph of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference |
| NPT/CONF.2000/3 | Implementation of Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference |
| NPT/CONF.2000/4 | Implementation of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference |

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* Some of the documents may also cover items allocated to other Main Committees.

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| NPT/CONF.2000/5 | Implementation of Article VII of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference |
| NPT/CONF.2000/6 | Developments regarding positive and negative security assurances since the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/8 | Realization of the goals of the Treaty on the Non-Proliferation of Nuclear Weapons in various regions of the world |
| NPT/CONF.2000/12 | Memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean |
| NPT/CONF.2000/13 | Memorandum on activities relating to the South Pacific Nuclear-Free-Zone Treaty submitted by the secretariat of the South Pacific Forum |
| NPT/CONF.2000/14 | Memorandum on activities relating to the African Nuclear-Weapon-Free Zone submitted by the secretariat of the Organization of African Unity |
| NPT/CONF.2000/15 | Memorandum on activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone submitted by the depositary of the Treaty of Bangkok |

6. The following documents were submitted to the Conference on the items allocated to the Committee:

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| NPT/CONF.2000/16 | Letter dated 2 March 2000 from the Permanent Representative of Mongolia to the United Nations addressed to the Provisional Secretary-General of the Conference, transmitting the Law of Mongolia on its nuclear-weapon-free status and the resolution of the Parliament |
| NPT/CONF.2000/18 | Letter dated 20 April 2000 from the Permanent Representative of Indonesia, in his capacity as Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries, addressed to the Provisional Secretary-General of the Review Conference, transmitting a working paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty on Non-Proliferation of Nuclear Weapons |

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| NPT/CONF.2000/19 | Note verbale dated 25 April 2000 from the Permanent Mission of Portugal to the United Nations addressed to the secretariat of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, transmitting a document entitled "European Union common position relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons" |
| NPT/CONF.2000/21 | Letter dated 1 May 2000 from the representatives of France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, transmitting a statement by their delegations |
| NPT/CONF.2000/22 | Letter dated 1 May 2000 from the Permanent Mission of the People's Republic of China to the United Nations addressed to the Department for Disarmament Affairs of the United Nations, transmitting its national report on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/23 | Systematic and progressive efforts to reduce nuclear weapons globally: a food for thought paper, submitted by the United Kingdom of Great Britain and Northern Ireland |
| NPT/CONF.2000/WP.1 | Working paper on further measures to be taken for the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by Japan and Australia |
| NPT/CONF.2000/WP.3 | Letter dated 24 April 2000 from the Minister for Foreign Affairs of Mexico addressed to the Secretary-General of the Review Conference, transmitting a working paper entitled "Nuclear disarmament" submitted by the delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden |
| NPT/CONF.2000/WP.8 | Working paper on review of implementation of article VI, submitted by France |

7. The following documents were submitted to the Committee on the items allocated to it:

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| NPT/CONF.2000/MC.I/WP.1 | Working paper on security assurances, submitted by Egypt |
| NPT/CONF.2000/MC.I/WP.2 | Working paper submitted by China |
| NPT/CONF.2000/MC.I/WP.3 | Working paper on elements for a new action plan, submitted by Switzerland |

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| NPT/CONF.2000/MC.I/WP.4 | Working paper on selected elements of a programme of action, submitted by Canada |
| NPT/CONF.2000/MC.I/WP.5 | Working paper submitted by Portugal on behalf of the European Union for Main Committee I |
| NPT/CONF.2000/MC.I/WP.6 | Working paper on nuclear verification, submitted by the United Kingdom of Great Britain and Northern Ireland |
| NPT/CONF.2000/MC.I/WP.7 | Working paper submitted by Belgium, Germany, Italy, the Netherlands and Norway, complementary to the European Union Common Position, for consideration in Main Committee I and Subsidiary Body I |
| NPT/CONF.2000/MC.I/WP.8 | Working paper on draft elements on principles to promote nuclear disarmament, submitted by Germany for Main Committee I |
| NPT/CONF.2000/MC.I/WP.9 | Working paper on nuclear disarmament, submitted by Belarus, Kazakhstan and Ukraine |
| NPT/CONF.2000/MC.I/CRP.2 | Conference paper submitted by the United States of America |
| NPT/CONF.2000/MC.I/CRP.3 | Conference paper submitted by the United States of America |
| NPT/CONF.2000/MC.I/CRP.4 | Elements for a decision on principles and objectives: working paper submitted by Myanmar |
| NPT/CONF.2000/MC.I/CRP.5 and Rev.1 and 2 | Main Committee I: Chairman's working paper |
| NPT/CONF.2000/MC.I/CRP.6 | Proposed language submitted by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons to Main Committee I |
| NPT/CONF.2000/MC.I/CRP.7 | Conference paper submitted by China |
| NPT/CONF.2000/MC.I/CRP.8 | Draft suggestions to the working paper of the Chairman of Main Committee I (NPT/CONF.2000/ MC.I/CRP.5), submitted by Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden |
| NPT/CONF.2000/MC.I/CRP.9 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by the United Kingdom of Great Britain and Northern Ireland |

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| NPT/CONF.2000/MC.I/CRP.10 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by the United States of America |
| NPT/CONF.2000/MC.I/CRP.11 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by Japan |
| NPT/CONF.2000/MC.I/CRP.12 | Drafting suggestions to the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by Egypt |
| NPT/CONF.2000/MC.I/CRP.13 | Proposed amendments to the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by China |
| NPT/CONF.2000/MC.I/CRP.14 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by the Russian Federation |
| NPT/CONF.2000/MC.I/CRP.15 | Proposed language for paragraph II.4, on universality, of the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by Belgium, Denmark, Germany, Italy, Luxembourg, the Netherlands, Norway, Spain and Switzerland |
| NPT/CONF.2000/MC.I/CRP.16 | Proposals for inclusion in the outcome of the work of Main Committee I, submitted by Botswana, Brazil, Chile, Colombia, Egypt, Ireland, Kenya, Mexico, Nigeria, Peru, South Africa and Thailand |
| NPT/CONF.2000/MC.I/CRP.17 | Comments on the working paper of the Chairman of Main Committee I (NPT/CONF.2000/MC.I/CRP.5), submitted by the Republic of Iraq |
| NPT/CONF.2000/MC.I/CRP.18 | Draft report of Main Committee I |

8. The following documents were submitted to Subsidiary Body I of Main Committee I on the items allocated to it:

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| NPT/CONF.2000/MC.I/SB.1/WP.1 | Working paper submitted by Japan and Australia to Subsidiary Body I to Main Committee I |

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| NPT/CONF.2000/MC.I./SB.1/WP.2 | Working paper submitted by Portugal on behalf of the European Union to Subsidiary Body I |
| NPT/CONF.2000/MC.I/SB.1/WP.3 | Working paper on nuclear disarmament submitted to Subsidiary Body I by Finland |
| NPT/CONF.2000/MC.I/SB.1/WP.4 | Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, submitted by Malaysia and Costa Rica |
| NPT/CONF.2000/MC.I./SB.1/CRP.1 | Paper submitted by Belgium, Germany, Italy, the Netherlands and Norway, complementary to the European Union Common Position |
| NPT/CONF.2000/MC.I/SB.1/CRP.2 | Chairman's working paper: Cluster one |
| NPT/CONF.2000/MC.I./SB.1/CRP.3 | Proposed language submitted by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to Subsidiary Body I |
| NPT/CONF.2000/MC.I./SB.1/CRP.4 | Chairman's working paper: Cluster two |
| NPT/CONF.2000/MC.I/SB.1/CRP.5 | Comments on the working paper of the Chairman of Subsidiary Body I: Cluster Two (NPT/CONF.2000/MC.I/SB.1/CRP.4), submitted by the United Kingdom of Great Britain and Northern Ireland |
| NPT/CONF.2000/MC.I/SB.1/CRP.6 | Proposed amendments and additions to the working paper of the Chairman of Subsidiary Body I (NPT/CONF.2000/MC.1/SB.1/CRP.4) |
| NPT/CONF.2000/MC.I/SB.1/CRP.7 | Working paper of the Chairman of Subsidiary Body I, revision of NPT/CONF.2000/MC.I/SB.1/CRP.2 and CRP.4 |

## Work of the Committee

9. The Committee held seven formal meetings and a number of informal meetings between 26 April and 11 May 2000; an account of the discussions is contained in the relevant summary records (NPT/CONF.2000/MC.I/SR.1-7). After an initial general exchange of views on the agenda items allocated to it, the Committee considered proposals contained in the documents listed in paragraphs 5 to 8 above.

10. The Committee took note of the following working paper of the Chairman and agreed to forward it to the Conference for further consideration:

### I. Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference

### A. Articles I and II and preambular paragraphs 1 to 3

1. The Conference reaffirms that the full and effective implementation of the Treaty and the regime of non-proliferation in all its aspects has a vital role in promoting international peace and security. The Conference reaffirms that every effort should be made to implement the Treaty in all its aspects and to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States Parties to the Treaty. The Conference remains convinced that universal adherence to the Treaty and full compliance of all Parties with its provisions are the best way to prevent the spread of nuclear weapons and other nuclear explosive devices.

2. The Conference recalls that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and that these undertakings have been made primarily in the context of the corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament.

3. The Conference notes that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

4. The Conference notes that the non-nuclear-weapon States Parties to the Treaty reaffirmed their commitment not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

5. The Conference reaffirms that the strict observance of the provisions of the Treaty remains central to achieving the shared objectives of preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

6. The Conference expresses its concern with cases of non-compliance of the Treaty by States Parties, and calls on those States non-compliant to move promptly to full compliance with their obligations.

7. The Conference welcomes the accessions of Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, United Arab Emirates and Vanuatu to the Treaty since 1995, bringing the number of States parties to 187, and reaffirms the urgency and importance of achieving the universality of the Treaty.

8. The Conference urges all States not yet party to the Treaty, namely Cuba, India, Israel and Pakistan, to accede to the Treaty as non-nuclear-weapon States, promptly and without condition, particularly those States that operate unsafeguarded nuclear facilities.

9. The Conference deplores the nuclear test explosions carried out by India and then by Pakistan in 1998. The Conference declares that such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever. The Conference calls upon both States to undertake the measures set out in the United Nations Security Council resolution 1172 (1998).

10. The Conference also calls upon all State Parties to refrain from any action that may contravene or undermine the objectives of the Treaty as well as of the United Nations Security Council resolution 1172 (1998).

11. The Conference notes that the two States concerned have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear tests by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference regrets that the signing and ratifying has not yet taken place despite their pledges to do so.

12. The Conference reiterates the call on those States that operate unsafeguarded nuclear facilities and that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to reverse clearly and urgently the pursuit of any nuclear-weapon development or deployment and to refrain from any action which could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.

### B. Article VI and preambular paragraphs 8 to 12

1. The Conference notes the reaffirmation by the States Parties of their commitment to article VI and preambular paragraphs 8 to 12 of the Treaty.

2. The Conference notes that, despite the achievements in bilateral and unilateral nuclear arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands. The Conference expresses its deep concern at the continued threat to humanity represented by the possession by nuclear-weapon States of these weapons, many of which remain on high alert, and at the attendant possibility of their use or threat of use.

3. The Conference also expresses its concern over the reaffirmation of nuclear weapons doctrines by all nuclear-weapons States, including those that retain first use doctrines or do not exclude the use of such weapons against non-nuclear-weapon States.

4. The Conference takes note of the proposal made by the United Nations Secretary-General regarding the convening of a major international conference that would help to identify ways of eliminating nuclear dangers.

5. The Conference reaffirms that the cessation of all nuclear weapon test explosions or any other nuclear explosions will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the complete elimination of nuclear weapons and, therefore, to the further enhancement of international peace and security.

6. The Conference welcomes the adoption by the General Assembly and subsequent opening for signature of the Comprehensive Nuclear-Test-Ban Treaty in New York on 24 September 1996, and notes that 155 States have signed it and that 56 of them, including 28 whose ratification is necessary for its entry into force, have deposited their instruments of ratification. The Conference welcomes the ratifications by France and the United Kingdom of Great Britain and Northern Ireland and the recent decision by the Duma of the Russian Federation to ratify the Treaty. The Conference calls upon all States, in particular on those 16 States whose ratification is a prerequisite for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, to continue their efforts to ensure the early entry into force of the Treaty.

7. The Conference welcomes the final declaration adopted at the Conference on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, convened in Vienna in October 1999, in accordance with Article XIV of the Convention.

8. The Conference recalls the statements made at the time of the negotiation of the Comprehensive Nuclear-Test-Ban Treaty not to conduct tests for the further development and modernization of nuclear weapons.

9. The Conference notes the unanimous conclusion of the International Court of Justice in its 1996 advisory opinion that there exists an obligation to pursue, in good faith and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

10. The Conference notes the establishment, in August 1998, by the Conference on Disarmament, of the Ad Hoc Committee under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament" to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference regrets that negotiations have not been pursued on this issue as recommended in paragraph 4 (b) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

11. The Conference welcomes the progress achieved in nuclear weapons reductions made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. The Conference welcomes the steps that have been taken towards the ratification and entry into force of START II.

12. The Conference also welcomes the significant unilateral reduction measures taken by other nuclear-weapon States, including the close-down and dismantling of nuclear weapon related facilities.

13. The Conference welcomes the efforts of several States to cooperate in making nuclear disarmament irreversible through initiatives on the verification, management and disposition of fissile material declared excess to military needs.

14. The Conference reiterates the important contribution made by Belarus, Kazakhstan and Ukraine to the implementation of article VI of the Treaty through their voluntary withdrawal of all tactical and strategic nuclear weapons from their territories.

15. The Conference welcomes the signing, in September 1997, by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America, of significant agreements relating to the Anti-Ballistic Missile Treaty, including a Memorandum of Understanding, and urges their approval in accordance with appropriate national procedures.

16. The Conference notes paragraph 10 of the nuclear-weapon States declaration of 1 May 2000 stating that none of their nuclear weapons are targeted at any State.

### C. Article VII and the security of non-nuclear-weapon States

1. The Conference reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

2. The Conference reaffirms that the total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, the Conference reaffirms the decision, in paragraph 8 of

decision 2 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to take further steps to assure non-nuclear weapon States Parties to the Treaty against the use or threat of use of nuclear-weapons that could take the form of an internationally legally binding instrument. The Conference directs the Preparatory Committee to develop such an instrument for consideration at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

3. The Conference notes the reaffirmation by the nuclear-weapon States of their commitment to the United Nations Security Council resolution 984 (1995) on security assurances for non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. The Conference notes the establishment in March 1998 by the Conference on Disarmament of the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use, or threat of use of nuclear weapons.

5. The Conference notes the need for the commitment, without any condition, by all the nuclear-weapon States not to be the first to use nuclear weapons, nor use or threaten to use nuclear weapons against non-nuclear-weapon States, and conclude international legal instruments to this effect.

6. The Conference recognizes the important role which the establishment of new nuclear-weapon-free zones and the signature to the protocols of new and previously existing zones by the nuclear-weapon States has played in extending negative security assurances to non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in the zones concerned. The Conference underlines the importance of concerned States taking steps to bring into effect the assurances provided by nuclear-weapon-free zones treaties and their protocols.

## II. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality

1. The Conference reaffirms its conviction that the preservation of the integrity of the Treaty and its strict implementation is essential to international peace and security.

2. The Conference recognizes the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

3. The Conference reaffirms that in accordance with Article IX, States not currently States Parties may accede to the Treaty only as non-nuclear-weapon States.

4. The Conference undertakes to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts should include the enhancement of regional security, particularly in areas of tension such as the Middle East and South Asia.

11. At the 7th meeting of Main Committee I, on 11 May 2000, the Chairman of Subsidiary Body 1, Clive Pearson (New Zealand), submitted a working paper of the Chairman (NPT/CONF.2000/MC.I/SB.1/CRP.7) and the Committee agreed that the working paper provides a framework for further work at the Conference:

> The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4(c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament":
>
> 1. The importance and urgency of signatures and ratifications, without delay and without conditions, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
>
> 2. Pending entry into force of that Treaty, a moratorium on nuclear weapon test explosions or any other nuclear explosions.
>
> 3. The necessity of negotiations in the Conference on Disarmament with a view to their conclusion by 2005 on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement and early conclusion of negotiations on such a treaty.
>
> 4. The immediate establishment in the Conference on Disarmament of an appropriate subsidiary body with a mandate to deal with nuclear disarmament.
>
> 5. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
>
> 6. Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
>
> 7. The principle of irreversibility being applied to all nuclear disarmament and nuclear arms control measures.
>
> 8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
>
> 9. Arrangements by all nuclear-weapon States to place fissile material designated by each of them as no longer required for military purposes under the International Atomic Energy Agency or other appropriate international safeguards to ensure the irreversibility of nuclear disarmament.

10. Increased transparency by the nuclear-weapon States with regard to their nuclear arsenals and fissile material inventories as a confidence-building measure supporting progress on nuclear disarmament.

11. Annual reports within the framework of the review process of the Treaty on the Non-Proliferation of Nuclear Weapons by all States Parties on the implementation of Article VI and paragraph 4(c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

12. The further reduction of non-strategic nuclear weapons in a transparent and irreversible manner leading to their total elimination as an integral part of the nuclear arms reduction and disarmament process and in the context of strategic stability.

13. Measures to de-alert and de-activate nuclear weapons systems, the removal of nuclear warheads from delivery vehicles and the withdrawal of nuclear forces from active deployment for the maintenance and promotion of strategic stability.

14. A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used, to facilitate the process of elimination, to enhance strategic stability and to contribute to international confidence and security.

15. The integration at an early and appropriate stage of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

16. The further development, nationally, bilaterally, multilaterally, and through relevant international organizations, of the verification capabilities that will be required to provide the confidence and assurance of compliance with nuclear disarmament obligations.

17. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and, in the forthcoming Treaty review period 2000-2005, to engage in an accelerated process of negotiations and to take steps leading to nuclear disarmament to which all States Parties are committed under Article VI.

NPT/CONF.2000/MC.I/WP.1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Security assurances

### Working paper submitted by Egypt

> "Noting United Nations Security Council resolution 984 (1995), which was adopted unanimously on 11 April 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument" (1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", para. 8).

1. It was for the purpose of preserving peace and security in the world and limiting the possibilities of nuclear confrontation that the international community elaborated a legally binding instrument through which all nations would renounce the nuclear weapons option. Only the five States which had manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967 were designated as nuclear-weapon States. In return, non-nuclear-weapon States were to be offered guarantees that nuclear weapons would not be used against them.

2. Regrettably, 30 years after the Treaty on the Non-Proliferation of Nuclear Weapons entered into force, the nuclear-weapon States have still to demonstrate to the non-nuclear-weapon States parties to the Non-Proliferation Treaty that their security will not in any way be endangered by the use, or threat of use, of nuclear weapons, and to assure them of adequate protection and assistance in such an eventuality.

3. Egypt, in its consideration of the issue of security assurances, is guided by four basic principles: credibility, deterrence, protection and assistance.

### 1. Credibility

4. Security assurances must capture and accurately reflect the magnitude of the nuclear threat, which was unforeseen and unimagined by the authors of the Charter of the United Nations. A distinction between a nuclear threat and a conventional threat has to be amplified in no uncertain terms. In conformity with Article 2,

paragraph 4, of the Charter, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State". Accordingly, whenever a State threatens another with conventional weapons, the Security Council is duty bound to take effective collective measures for the removal of the threat and the suppression of the aggression as stipulated in Article 1, paragraph 1, of the Charter. Experience has shown that it is no easy matter to suppress a conventional armed attack, and it is important to bear in mind that a conventional attack does not entail total destruction and massive annihilation as a nuclear one. The Security Council's response must draw a clear distinction between the nuclear and the conventional threat.

5. Moreover, attention has to be drawn to a very grave factor, namely, subjecting the Security Council's response to a nuclear threat to the regular voting procedure of the Charter, particularly the provisions of Article 27, paragraph 3, pertaining to the concurring votes of the permanent members. The magnitude and unparalleled destructive power of nuclear weapons necessitates a clear commitment that a nuclear threat will be deterred and the victims will be protected, assisted and defended in a manner commensurate with the gravity of a nuclear threat without the possibility of dissension in the ranks of the permanent members of the Security Council.

### 2. Deterrence

Aggression with nuclear weapons, or the threat of such an aggression against a non-nuclear State party to the Non-Proliferation Treaty, constitutes a threat to international peace and security. It should automatically trigger an immediate response by the Security Council, in conformity with Article 39 of the Charter of the United Nations and in a manner consistent with the substance and spirit of the relevant articles of Chapter VII.

### 3. Protection

6. The element of genuine protection must be clearly enunciated in the form of a mechanism for enforcement of the security assurances. Such a mechanism should indicate mandatory action to be adopted by the Security Council to redress a situation where a non-nuclear-weapon State is subjected to a nuclear attack or threat of an attack. It must be clear that the territorial integrity and political independence of any non-nuclear-weapon State, as well as the security and survival of its population, will be guaranteed as a matter of right.

### 4. Assistance

7. It is imperative to identify clearly the scope and nature of assistance and compensation to be provided to any non-nuclear-weapon State party to the Non-Proliferation Treaty that is a victim or object of a threat of aggression in which nuclear weapons are used. It should be recognized that assistance must be comprehensive and that reparation must be mandatory. It must include not only technical assistance, but also the political remedial assistance needed to defend the victim.

8. Notwithstanding the efforts by the non-nuclear-weapon States during the 1960s, all endeavours to incorporate security assurances in the text of the Non-Proliferation Treaty were unsuccessful. The General Assembly finally adopted the Non-Proliferation Treaty in May 1968 without a clause on security assurances.

Security Council resolution 255 (1968) was adopted one month later in conjunction with unilateral declarations by three nuclear-weapon States. However, resolution 255 (1968) was from the outset inadequate since it did not extend genuine security to non-nuclear-weapon States, nor did the resolution and the accompanying declarations add anything new to what had already been provided for in the Charter of the United Nations.

9. The unilateral declarations by the three nuclear-weapon States were, in essence, statements of intent with no binding force to provide for their application or prevent their withdrawal. They stated that nuclear aggression would create a qualitatively new situation but provided no corresponding procedures for dealing with such a grave threat besides those contained in the Charter of the United Nations.

10. Security Council resolution 984 (1995), which was adopted a little over 25 years later, added three new elements:

- It was endorsed by all permanent members of Security Council;
- It addressed technical assistance in a more comprehensive manner than resolution 255 (1968), albeit in voluntary language;
- It invited States Members of the United Nations to provide assistance to any State that is a victim of an act of aggression by nuclear weapons and recognized the right of any such victim to compensation from the aggressor.

11. Prior to the adoption of resolution 984 (1995), Egypt sought to initiate a process of collective consultations to update and enhance Security Council resolution 255 (1968) in order to address the issue of security assurances to non-nuclear-weapon States in a more comprehensive manner, and submitted proposals to that effect to the Conference on Disarmament in 1991. Furthermore, Egypt conveyed its views to the five nuclear-weapon States before the adoption by the Security Council of resolution 984 (1995). However, the nuclear-weapon States completely bypassed any dialogue with the non-nuclear-weapon States on this issue, and thereby adopted a resolution that fell far short of the expectations of the non-nuclear-weapon States.

12. While the three additional elements referred to above represented a welcome improvement to resolution 255 (1968), Security Council resolution 984 (1995) failed to redress the shortcomings with regard to credibility, deterrence and protection. It only addressed assistance, as if the Security Council's role were confined to dealing with nuclear accidents.

13. In addressing the Security Council on 11 April 1995, Egypt stated that the draft resolution before the Council did not provide the non-nuclear-weapon States with the required and long-awaited security assurances to which they were entitled as a result of their renunciation of the nuclear option. In addition, Security Council resolution 984 (1995) recognized that *it* constituted "a step" in the direction of further appropriate measures to be undertaken to safeguard the security of non-nuclear-weapon States. Five years have passed since the adoption of Security Council resolution 984 (1995), and it is now appropriate that further steps should be considered to assure the non-nuclear-weapon States party to the Non-Proliferation Treaty against the use or threat of use of nuclear weapons.

14. Bearing in mind that non-nuclear-weapon States party to the Non-Proliferation Treaty have renounced the nuclear-weapons option through their adherence to a multilaterally negotiated and legally binding international instrument, the assurances these States receive against the use or threat of use of nuclear weapons should also take the form of a multilaterally binding international instrument. Such an instrument could be either an independent one or a protocol annexed to the Non-Proliferation Treaty.

15. The Review Conference is urged to consider the following:

- Calling upon the Security Council to continue its consideration of the issue of security assurances and to address the following essential principles:
  - A prior determination that the use or threat of use of nuclear weapons constitutes a threat to international peace and security;
  - A trigger mechanism, to ensure Security Council response to threats or attacks by nuclear weapons;
  - A commitment by the Security Council to take effective collective measures for the prevention and removal of threats to the peace resulting from the threat of use of nuclear weapons, and for the immediate suppression of acts of aggression or other breaches of the peace that involve the use or threat of use of nuclear weapons;
  - A renunciation by the five permanent members of the Security Council of the unanimity rule in Article 27, paragraph 3, of the Charter of the United Nations pertaining to the concurring votes of the permanent members, with regard to the application of security assurances to non-nuclear-weapon States party to the Non-Proliferation Treaty;
  - Calling on the Conference on Disarmament to begin negotiations on an internationally legally binding instrument that would assure non-nuclear-weapon States party to the Non-Proliferation Treaty against the use or threat of use of nuclear weapons and guarantee assistance in case of aggression with nuclear weapons;
  - An unconditional commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against any State party to the Non-Proliferation Treaty that does not posses nuclear weapons or place nuclear weapons on its territories;
  - Urging the nuclear-weapon States to issue a joint statement undertaking not to use or threaten to use nuclear weapons against non-nuclear-weapon States party to the Non-Proliferation Treaty or nuclear-weapon-free zones at any time or under any circumstances, pending the negotiation and adoption of a legally binding instrument on security assurances.

NPT/CONF.2000/MC.I/WP.2

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1 May 2000
English
Original: Chinese and English

New York, 24 April-19 May 2000

## Working paper submitted by China

The Chinese delegation hereby submits the following proposals for inclusion in the report of Main Committee I and the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

1. The States Parties to the Treaty believe that the complete prohibition and total elimination of nuclear weapons and the realization of a nuclear-weapon-free world will remove forever the menace of nuclear weapons facing humankind, thus greatly enhancing international peace and security.

2. The States Parties believe that the process of nuclear disarmament is closely linked to the international security situation and the national security environment of various States. Therefore, the States Parties commit themselves to a new concept of common security based upon mutual trust, mutual benefit, equality and cooperation.

3. All the nuclear-weapon States Parties commit themselves to the goal of the complete prohibition and total elimination of nuclear weapons and to negotiate and conclude as soon as possible a convention on the complete prohibition of nuclear weapons.

4. The States Parties emphasize that any nuclear disarmament measures should follow the principle of maintaining global strategic stability and undiminished security for every State.

5. The States Parties welcome the declaration of the nuclear-weapon States that none of their nuclear weapons are targeted at any State, and urge all the nuclear-weapon States to renounce the nuclear deterrence policy characterized by "the first use of nuclear weapons", to commit themselves unconditionally not to be the first to use nuclear weapons and to conclude an international legal instrument to this effect.

6 The States Parties request that all the nuclear-weapon States commit themselves unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones and that the relevant international legal instrument should be concluded.

7. The States Parties believe that the nuclear-weapon States possessing the largest nuclear arsenals bear special responsibility for nuclear disarmament. They should make further progress in their bilateral or unilateral disarmament process and

continue to reduce drastically their respective nuclear arsenals, following the principle of irreversibility.

8. The States Parties welcome the ratification of START II by the Russian State Duma, call upon the United States of America to ratify the relevant protocols so that the Treaty will be implemented at an early date, and hope to see the inception of negotiations on START III as soon as possible.

9. The States Parties request that the nuclear-weapon States undertake to withdraw and return home all the nuclear weapons deployed outside their territories.

10. The States Parties reiterate that all States, and the nuclear-weapon States in particular, should support the establishment of nuclear-weapon-free zones, respect the status of those zones and undertake the relevant obligations.

11. The States Parties request that the nuclear-weapon States and the non-nuclear-weapon States concerned should forego the "nuclear umbrella" policy and the practice of "nuclear sharing".

12. The States Parties regret that the Comprehensive Nuclear-Test-Ban Treaty has not entered into force after being open for signature for over three years, and are deeply concerned over the rejection of the ratification of the Treaty by the United States Senate in October 1999. The States Parties call upon the States that have not signed or ratified the Treaty to accelerate the process of signing or ratification in order to promote the early entry into force of the Treaty.

13. The States Parties stress that the Anti-Ballistic Missile Treaty remains a cornerstone for maintaining global strategic balance and stability, and that any violation of the Treaty will disrupt the global strategic balance and stability and have a negative impact on nuclear disarmament and non-proliferation efforts, thus undermining the interests of the whole international community.

14. The States Parties call upon the parties to the Anti-Ballistic Missile Treaty to fully and strictly abide by the Treaty, maintain the integrity and effectiveness of the Treaty and undertake not to conduct research on, develop, deploy or cause the proliferation of missile defence systems which undermine the global and regional strategic balance and stability and could trigger an arms race.

15. The States Parties express their grave concerns over the ongoing intensive research on and testing of outer space weapons, which will lead to the weaponization of outer space and a new arms race. The States Parties call upon the countries concerned not to conduct research on, develop, test, deploy or use any weapon, weapons systems or their components in outer space, and to undertake to destroy all such weapons currently in existence.

16. The States Parties regret that the Conference on Disarmament has not been able to reach an agreement on a comprehensive and balanced programme of work which will start the negotiations on the prevention of an arms race in outer space, nuclear disarmament and a fissile material cut-off treaty.

17. The States Parties urge the Conference on Disarmament immediately to:

- Establish an ad hoc committee on the prevention of an arms race in outer space and conduct negotiations.

- Establish an ad hoc committee on nuclear disarmament and conduct negotiations;
- Establish an ad hoc committee on a fissile material cut-off treaty on the basis of the Shannon report and the mandate contained therein and conduct negotiations.

NPT/CONF.2000/MC.I/WP.3

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Elements for a new action plan

### Working paper submitted by Switzerland

The Conference (...) affirms that the achievement of the following additional practical measures is important for the full realization and effective implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted by the 1995 Review and Extension Conference.

### 1. Confidence-building measures to increase the transparency of efforts undertaken fully to realize and implement the "Principles and Objectives"

Nuclear-weapon States shall systematically inform of changes to their nuclear arsenals and of progress achieved with respect to nuclear disarmament.

### 2. Further systematic and progressive reductions in nuclear weapons on the basis of Article VI, with a view to their complete elimination

(a) Given the size of their nuclear forces, the United States of America and the Russian Federation have a special responsibility to reduce their nuclear arsenals, and in particular fully to implement START II and conclude START III negotiations without further delay.

(b) At an appropriate time, other nuclear-weapon States shall take part in negotiations leading to the ultimate goal of eliminating nuclear weapons globally.

(c) The elimination of tactical (sub-strategic) nuclear weapons shall be included in formal disarmament processes.

(d) All efforts to reduce nuclear arsenals shall include the complete and irreversible elimination of nuclear warheads, including the placing of fissile materials from those warheads under IAEA safeguards.

### 3. Further multilateral nuclear disarmament and non-proliferation efforts

(a) While waiting for the Comprehensive Nuclear Test-Ban Treaty to enter into force, all the parties with nuclear potentials listed in Annex 2 of this Treaty shall observe moratoria on nuclear testing.

(b) While waiting for the conclusion of the negotiations of a treaty banning the production of fissile material for nuclear weapons or other explosive purposes, States shall adopt transparency measures in this field and shall observe production moratoria.

(c) Efforts in the area of legally binding and global security assurances should be intensified.

(d) The deployment of national missile defence systems should neither endanger nuclear disarmament nor trigger new nuclear arms races.

NPT/CONF.2000/MC.I/WP.4

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Selected elements of a programme of action

### Working paper submitted by Canada

1. We reaffirm our commitment to Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", adopted by the 1995 Review and Extension Conference. An effective review process is central to the full observance of the principle of "permanence with accountability". Review Conferences should identify the areas in which, and the means through which, further progress should be sought in the future to promote the full implementation of the Treaty and its universality. We firmly believe that any proposals put forward to the Review Conference should enhance and not detract from Decision 2. In that context we propose the following items for Main Committee I:

#### Nuclear non-proliferation

2. States Parties commit themselves to promoting the complete and comprehensive implementation of the provisions of Security Council resolution 1172 (1998). *Inter alia*, they call upon India and Pakistan to become non-nuclear weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons and party to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions.

#### Nuclear disarmament (article VI)

3. The START process should be renewed, accelerated and fully implemented. The reduction targets established by the Russian Federation and the United States of America for START II and being negotiated for START III should be achieved; further substantial reductions should be pursued. The other three nuclear-weapon States should become directly engaged in this process in the near future.

4. As regards nuclear-weapon doctrines and operations, appropriate additional measures (e.g., de-alerting, de-mating, transparency, confidence-building) should be pursued.

5. Measures to reduce and eliminate the threats posed by tactical nuclear weapons should be codified, negotiated, implemented and verified.

6. The earliest possible entry into force of the Comprehensive Nuclear-Test-Ban Treaty should be achieved drawing upon all measures consistent with international law. In the meantime, a universal moratorium on nuclear testing should continue to be observed.

7. The early conclusion of negotiations on a non-discriminatory, universal and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, as initiated within the Conference on Disarmament, should be pursued. Appropriate measures to deal with stocks of fissile materials for nuclear weapons or other nuclear explosive devices should also be identified and implemented. Pending the commencement of negotiations on a fissile materials cut-off treaty, the five nuclear-weapon States should utilize the forum of the Treaty for the Non-Proliferation of Nuclear Weapons review process to issue a joint statement announcing a moratorium on the production of weapon-usable fissile material.

8. A mechanism should be devised within the Conference on Disarmament for exchange of information and the substantive discussion of nuclear disarmament issues with a view to exploring possibilities for further progress on nuclear disarmament through national, bilateral and multilateral initiatives.

NPT/CONF.2000/MC.I/WP.5

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Portugal on behalf of the European Union for Main Committee I

Regarding articles I, II and VI of the Treaty on the Non-Proliferation of Nuclear Weapons and the relevant provisions of the Principles and Objectives, the European Union proposes, on the basis of the framework established by the Treaty and the Principles and Objectives laid down at the 1995 Review and Extension Conference, the following elements as areas, among others, in which, and the means through which, further progress should be sought in future:

1. Early entry into force of the Comprehensive Nuclear-Test-Ban Treaty through ratification without delay and without conditions, especially by those 44 States whose ratification is required for the Treaty to enter into force.

2. Immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or nuclear explosive devices. Pending the conclusion of such a treaty, all States which have not yet done so are called upon to stop the production of fissile materials for nuclear weapons or other nuclear explosive devices.

3. Establishment of an ad hoc working group within the Conference on Disarmament under agenda item 1, entitled "Cessation of the nuclear arms race and nuclear disarmament", subject to a consensus agreement on a mandate for such a group.

4. Pursuit of the consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the Non-Proliferation Treaty.

5. Increased transparency as a voluntary confidence-building measure to support further progress in disarmament.

6. Application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account.

7. Calling for the prompt entry into force and the timely implementation of START II and its Protocol, and the early commencement of negotiations on START III with a view to further reductions in strategic nuclear weapons and the verified dismantlement of warheads destined for disarmament under that Treaty.

8. Reaffirmation of the importance of the Anti-Ballistic Missile Treaty as a cornerstone of strategic stability.

9. Underlining the importance of non-strategic nuclear weapons in the framework of nuclear arms reduction efforts.

NPT/CONF.2000/MC.I/WP.6

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2000

Original: English

New York, 24 April-19 May 2000

## Nuclear verification

### Working paper submitted by the United Kingdom of Great Britain and Northern Ireland

1. Verification of nuclear reductions and the global elimination of nuclear weapons will clearly involve a wide range of complementary capabilities and arrangements. The issues and interrelationships involved are of considerable complexity. The international community has in particular identified three main areas relevant to this process:

- The ability to verify that States are not testing nuclear weapons or other nuclear explosive devices;
- The ability to verify that States are not producing fissile material for nuclear weapons or other nuclear explosive devices;
- The ability to verify reductions and dismantlement of nuclear weapons and warheads in any State that might have produced or otherwise acquired them, and disposition of the fissile material arising.

2. The first of these areas is addressed by the verification arrangements established by the Comprehensive Nuclear-Test-Ban Treaty, and in particular its International Monitoring System, and by national technical means such as national civil seismological monitoring networks.

3. For non-nuclear-weapon States the second of these areas is addressed by the international safeguards system operated by the International Atomic Energy Agency (IAEA), including the Additional Protocol, and by regional organizations such as the European Atomic Energy Community (EURATOM). In addition, among the nuclear-weapon States, all civil enrichment and reprocessing facilities in the United Kingdom and France are safeguarded by EURATOM and liable to inspection by IAEA. Neither country has any remaining dedicated defence facilities for production of plutonium or high enriched uranium for nuclear weapons. Since 1995, there has been international consensus to negotiate a multilateral, internationally and effectively verifiable treaty to ban production of fissile material for nuclear weapons or other nuclear explosive devices as a priority. This will establish the necessary verification arrangements to provide confidence that no nuclear-weapon State or any

other State currently operating unsafeguarded enrichment or reprocessing facilities is producing fissile material for nuclear weapons or other nuclear explosive devices.

4. There are, however, no existing multilateral or international verification arrangements covering the reduction, elimination and dismantlement of nuclear weapons and the ultimate disposition of the fissile material they contain. Developing effective verification capabilities and arrangements in this area will be critical to sustaining systematic progress towards achieving reductions in nuclear weapons and their eventual elimination. Bilateral and multilateral arrangements on nuclear weapons require a very high degree of confidence that all participants are complying with their obligations, but the obligations of article I of the Treaty on the Non-Proliferation of Nuclear Weapons will impose stronger constraints on the ability of non-nuclear-weapon States and international organizations to participate in verification activity related directly to nuclear weapons and their components, as compared to verification of fissile material holdings, production and disposition. Verification of nuclear reductions and nuclear elimination is nevertheless clearly an area where all States have an interest in the development of further national and international capabilities as an essential contribution to the process of nuclear disarmament.

5. Work relevant to these issues is taking place. The United States of America has an extensive national nuclear verification research programme in its national laboratories. The United Kingdom has established a similar, smaller, programme. The United States/Russian Federation/IAEA Trilateral Initiative is examining ways and means to provide international verification that United States and Russian fissile material declared surplus to defence requirements is not diverted to further military use. The United States and the Russian Federation have also undertaken in the context of negotiations on a START III treaty to consider measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads and any other jointly agreed technical and organizational measures to promote the irreversibility of deep reductions, including prevention of a rapid increase in the number of warheads. These programmes and commitments are a welcome development, and a firm indication of commitment to systematic and progressive efforts to reduce and eliminate nuclear weapons.

6. Highly intrusive verification will be less critical to the success of nuclear reduction agreements, while some nuclear weapons continue to exist as protection against potential non-compliance. But as stockpiles of nuclear weapons are reduced towards very small numbers and confidence in full compliance becomes more essential, verification requirements are likely to become increasingly rigorous. In particular, intrusive physical access to facilities and greater transparency of design information will become increasingly important. National technical means to detect undeclared facilities and materials will also have a role to play. The eventual achievement of the global elimination of nuclear weapons will require the development of extremely rigorous verification arrangements in order to provide the very high level of confidence and assurance that will be necessary. In particular, assurance would be needed that a warhead had entered the verification regime, and a continuity of knowledge would thereafter need to be maintained to ensure that no subsequent substitution of materials could take place without being discovered. However, no conceivable verification regime is likely to be able to provide an absolute guarantee of full compliance. Political acceptance of some level of risk, albeit as small as possible, will almost certainly be necessary.

7. There are three clear conceptual areas of verification for reduction and elimination of nuclear weapons:

- Authentication of warheads and their components;
- Dismantlement of warheads and their components;
- Disposition of the fissile material arising, to ensure irreversibly that it can no longer be used in nuclear weapons or other nuclear explosive devices.

### Authentication

8. Authentication of individual warheads and their components will be crucial to any nuclear reduction and elimination verification arrangements. Verifying a warhead and then maintaining an appropriate continuity of knowledge through to its dismantlement and the ultimate disposition of the material it contains will be one of the most technically challenging verification issues to resolve. However, it also raises the fundamental issue that any verification arrangements must provide viable verification without compromising national security or proliferation sensitive design information that would fall within the obligations of article I of the Non-Proliferation Treaty. Any technical measurements will provide some degree of design information, and authentication will require access to a range of information in order to make a credible assessment. It is at present far from clear how the nuclear-weapon States obligations under article I can be reconciled with the likely eventual requirement for an international verification organization to be able to draw independent conclusions. This is an area likely to require considerable further political, scientific and technical consideration. Some of the work currently under way in the United States/Russian Federation/IAEA Trilateral Initiative may have potential to contribute here.

### Dismantlement

9. Verification of dismantlement will be necessary where an authenticated warhead is required to be dismantled under a bilateral or multilateral reduction and elimination agreement. Verification of this process will raise article I complications similar to those arising in the authentication process. A dismantlement process is likely to have several stages, including separation and separate storage of the warhead from its delivery vehicle, disassembly of the warhead and separation of the high explosive from the fissile material, and changing the fissile material components so that they would require significant remanufacture before they could be reused. The United States and the Russian Federation have undertaken in the context of negotiations on a START III treaty to consider measures relating to the destruction of strategic nuclear warheads. The conclusions they reach in the course of these considerations will clearly be significant in this area.

### Disposition

10. The elimination of nuclear weapons will require that all fissile material produced for nuclear weapons should be placed under international safeguards. This is recognized in paragraph 13 of the 1995 decision entitled Principles and objectives for nuclear non-proliferation and disarmament. Insofar as is possible, the nuclear-weapon States, and those other States that have produced fissile material outside international safeguards, will therefore need to account for the material they have

produced. This contributes to the process of nuclear disarmament by developing confidence that as States reduce and eventually eliminate their nuclear weapons, they have not retained concealed stocks of fissile material outside international supervision with which to construct nuclear weapons clandestinely. Such accounting was crucial to the initial verification by IAEA of the comprehensive safeguards agreement signed by South Africa when it eliminated its nuclear-weapons programme and joined the Nuclear Non-Proliferation Treaty as a non-nuclear-weapon State. The United States has produced a comprehensive report on its production of plutonium for defence purposes, and is working on a similar study on its production of high enriched uranium. The United Kingdom is conducting a similar programme, and has just published figures on plutonium transferred to AWE Aldermaston for the defence nuclear programme.

11. Historical accounting is a lengthy and complex process. Moreover, in the light of its own experience and that of the United States and South Africa, in this area, the United Kingdom does not believe that it will be possible for any of the relevant States to be able to account with absolute accuracy and without possibility of error or doubt for all the fissile material they have produced for national security purposes over decades.

12. A further complication is that technical information about the early years of the defence nuclear programmes of the nuclear-weapon States is likely to be of particular value to any aspiring proliferator seeking to build a low-level, unsophisticated nuclear capability. The nuclear-weapon States in particular will therefore have to consider the implications of declassification in this area very carefully in the light of their obligations under article I of the Nuclear Non-Proliferation Treaty.

13. In the interests of irreversibility there may well be circumstances where it is desirable that fissile material declared surplus should, if practicable, be converted into forms and compositions less suitable for use in nuclear weapons, requiring very significant processing and specialized facilities. This will be a lengthy and expensive process. The United States, the Russian Federation, other members of the G-8, and members of the European Union, have all given this consideration both nationally and collectively since the 1996 Moscow Nuclear Safety Summit. This work continues and will need to continue.

### Monitoring the nuclear complex

14. In addition to the verification and disposition requirements set out above, a necessary element of the elimination of nuclear weapons will be measures to verify the destruction or conversion to other activities of the facilities used to develop, produce and maintain nuclear weapons. Knowledge and understanding of the infrastructure necessary will be critical to any verification regime. There is a range of existing and emerging technologies, skills and techniques that can be used to establish the existence and/or the status of a nuclear-weapon infrastructure complex and its operations, and this is an area where aspects of the approach underlying development of IAEA capabilities under the Additional Protocol may well be relevant.

## Recommendations

15. On the basis of the analysis above, the United Kingdom believes that the Review Conference could usefully make several recommendations for further work relating to verification in a number of areas:

- Welcoming the work carried out to date to establish the verification arrangements for the Comprehensive Test-Ban Treaty, in particular the International Monitoring System, and calling on all States Parties to the Treaty fully to support the work of the Preparatory Commission for the Comprehensive Test-Ban Treaty organization, including through the provision of adequate funding;
- Stressing the role of a fissile material cut-off treaty in providing the verification arrangements necessary to provide international confidence that the production of fissile material for nuclear weapons or other nuclear explosive devices has ended;
- Stressing the importance of the work being carried out in support of the IAEA Additional Protocol in developing international verification capabilities in the area of fissile material production and nuclear infrastructure that are likely to be important elements in verification of nuclear disarmament;
- Stressing the importance of fissile material designated as no longer required for defence purposes being placed under IAEA or other international verification, welcoming the designation of such material by the United States, the Russian Federation and the United Kingdom, and welcoming the commitments in relation to the application of safeguards to plutonium transferred from military to peaceful use made by the nuclear-weapon States in adopting the 1997 guidelines for the management of plutonium, calling on the nuclear-weapon States to keep their stockpiles of fissile material for defence purposes under review with a view to ensuring that any material they designate as no longer required for defence purposes is placed under international verification as soon as practicable.
- Welcoming the United States/Russian Federation/IAEA Trilateral Initiative in this regard, and as a significant contribution to developing national and international verification capabilities in the field of nuclear reductions and disarmament and fissile material disposition, and encouraging the members of the Trilateral Initiative to continue this work and to keep the international community informed of the progress of these efforts;
- Welcoming national programmes on nuclear verification issues, particularly in the nuclear-weapon States, and encouraging further work in this area, including developing international cooperation and consultation on these issues where practicable, and consistent with the nuclear-weapon States obligations under article I of the Treaty;

- Welcoming the commitment by the United States and the Russian Federation in the context of START III negotiations to consider measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads and any other jointly agreed technical and organizational measures to promote the irreversibility of deep reductions including prevention of a rapid increase in the number of warheads, and encouraging them to take this work forward;
- Noting the role that historical accounting for fissile material production by the nuclear-weapon States and others who have produced fissile material outside international safeguards will have in the verification of nuclear disarmament while recognizing its limitations, welcoming the progress already made in this area by South Africa, the United Kingdom and the United States, and encouraging further work by all relevant States where practicable;
- Welcoming the work by the G-8 and others on the disposition of surplus plutonium as a contribution to irreversible reductions in nuclear stockpiles, and encouraging them to continue their efforts, including by formal agreement of an international programme on disposition of surplus Russian plutonium.

NPT/CONF.2000/MC.I/WP.7

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Belgium, Germany, Italy, the Netherlands and Norway, complementary to the European Union Common Position, for consideration in Main Committee I and Subsidiary Body 1

### 1. Comprehensive Nuclear-Test-Ban Treaty (CTBT)*

1. States parties will make every effort to ensure the earliest possible entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), but not later than the 2005 Review Conference, through ratification without delay and without conditions, especially by those 44 States whose ratification is required for its entry into force.

### 2. Fissile material cut-off treaty (FMCT)*

2. States parties undertake, without any preconditions, to immediately commence negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament of 1995 and the mandate contained therein, and to achieve their successful conclusion at the earliest possible date, but not later than the 2005 Review Conference. Pending the entry into force, States parties will observe a moratorium on the production of fissile material for nuclear weapons.

### 3. Further measures to be taken in the framework of para. 4 (C)*

#### (a) Non-strategic nuclear weapons

3. States parties underline the importance of the announcement by the United States of America and the Russian Federation that they would unilaterally implement reductions in the non-strategic nuclear weapons. They encourage the United States and the Russian Federation to proceed with the reductions of non-strategic nuclear weapons in a transparent and irreversible manner and to include the reduction and ultimate elimination of non-strategic nuclear weapons in the overall nuclear arms reduction negotiations.

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* Item already tabled in Subsidiary Body 1 as NPT/CONF.2000/MC.I/SB.1/CRP.1

### (b) Transparency and accountability

4. States parties confirm the importance of measures aimed at increasing transparency with regard to nuclear arsenals. In particular, such measures could include a commitment by the nuclear-weapon States to provide periodically the aggregated numbers of warheads, delivery systems and stocks of fissile materials for explosive purposes in their possession. Nuclear-weapon States undertake to provide periodically within the framework of the strengthened review process a written account of the progress achieved towards the implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 Principles and Objectives.

### (c) Conference on Disarmament

5. States parties agree to pursue as a matter of priority intensive consultations on appropriate ways and means to establish without delay in the Conference on Disarmament an ad hoc working group for the exchange of information and views on endeavours towards nuclear disarmament.

### (d) Fissile materials

6. States parties agree to consider options for dealing with fissile material, which could include arrangements regarding weapons-usable fissile material that is designated as excess or that is designated for non-explosive purposes. These options could further include voluntary measures regarding weapons-usable fissile material related to military inventories with a view to achieving increased transparency, which could prepare the ground for ultimately agreed irreversible net reductions.

### 4. Negative security assurances

7. States parties agree that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) would strengthen the nuclear non-proliferation regime.

NPT/CONF.2000/MC.I/WP.8

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

5 May 2000

Original: English

New York, 24 April-19 May 2000

## Draft elements on principles to promote nuclear disarmament

### Working paper submitted by Germany for Main Committee I

The German delegation believes that the final document of the Review Conference could usefully include reference to principles which would give guidance and promote further nuclear disarmament. It proposes that the attached principles be included in the final document:

The Conference agrees that the principles of transparency, irreversibility, confidence-building and accountability constitute an indispensable framework to further nuclear disarmament.

The Conference also agrees that the principle of irreversibility should guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account. The Conference notes that the application of the principle of irreversibility is not compatible with measures that undermine the nuclear non-proliferation and disarmament regime.

The Conference expresses its conviction that increased transparency as a voluntary confidence-building measure supports mutual confidence and furthers progress in nuclear disarmament. The nuclear-weapon States Parties to the Treaty undertake to examine and, where possible, apply to themselves, measures as those already taken by some nuclear-weapon States Parties.

The Conference confirms that confidence-building remains an essential instrument of cooperative security policy in the twenty-first century. It underpins international security and stability and thus furthers the process of nuclear disarmament. The Conference notes the statement of the nuclear-weapon States Parties to the Treaty that none of their nuclear weapons are targeted at any State. The Conference invites the nuclear-weapon States Parties to the Treaty to build in the forthcoming review period on this.

The Conference is convinced that accountability by the nuclear-weapon States Parties to the Treaty strengthens the Treaty. The Conference invites the nuclear-weapon States Parties to the Treaty to use appropriate multilateral forums, such as the strengthened review process, for continuing and enhancing their accountability.

NPT/CONF.2000/MC.I/WP.9

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 May 2000

Original: English

New York, 24 April-19 May 2000

## Nuclear disarmament

### Working paper submitted by Belarus, Kazakhstan and Ukraine

The following proposals for inclusion in the report of Main Committee I and the final document of the 2000 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are submitted by Belarus, Kazakhstan and Ukraine.

> "The States Parties to the Treaty welcome the important contribution made by Belarus, Kazakhstan and Ukraine to the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons through their significant measures in nuclear disarmament, in particular the voluntary decision to withdraw all tactical and strategic nuclear weapons from their territories, and take note with satisfaction of the current efforts of those States to strengthen the Treaty through enhancing regional and global security.
>
> "The States Parties to the Treaty welcome the signing in September 1997 by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America of significant agreements relating to the Treaty on the Limitation of Anti-Ballistic Missile Systems, including a Memorandum of Understanding, which, upon entry into force, will contribute to further strengthening the viability of the Treaty on the Limitation of Anti-Ballistic Missile Systems."

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2000

Original: English

New York, 24 April-29 May 2000

## Working paper submitted by Japan and Australia for the subsidiary body to Main Committee I

The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone for nuclear non-proliferation and disarmament. "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted at the 1995 Review and Extension Conference are a major achievement in the efforts to realize the goals of the Treaty.

The States Parties to the Treaty reaffirm their commitments to the "Principles and Objectives" and stress that the following further measures should be taken for the implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives".

1. The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and moratorium on nuclear-weapon test explosions or any other nuclear explosions pending the entry into force of the Treaty.

2 (a). The immediate commencement of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices, on the basis of the report of the Special Coordinator of the Conference on Disarmament in 1995 and the mandate contained therein and their conclusion preferably before 2003, but not later than 2005, and, pending the entry into force of the treaty, a moratorium on the production of fissile material for nuclear weapons.

2 (b). The disposition of fissile materials no longer required for defence purposes and the placement of such materials under appropriate international safeguards with a view to ensuring the irreversibility of nuclear disarmament.

3. The immediate entry into force and full implementation of START II, the early commencement and completion of the negotiations on START III and the continuation of the process beyond START III.

4. Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally, and the commencement of negotiations involving the nuclear-weapon States for the reduction of nuclear weapons at an appropriate stage.

5. Multilateral discussions in the Conference on Disarmament on possible future steps on nuclear disarmament and nuclear non-proliferation.

NPT/CONF.2000/MC.I/SB.I/WP.2

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Portugal on behalf of the European Union for subsidiary body I

Regarding article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and the relevant provisions of the Principles and Objectives, the European Union proposes, on the basis of the framework established by the Treaty and the Principles and Objectives laid down at the 1995 Review and Extension Conference, the following elements as areas, among others, in which, and the means through which, further progress should be sought in future:

1. Early entry into force of the Comprehensive Nuclear-Test-Ban Treaty through ratification without delay and without conditions, especially by those 44 States whose ratification is required for the Treaty to enter into force.

2. Immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or nuclear explosive devices. Pending the conclusion of such a treaty, all States which have not yet done so are called upon to stop the production of fissile materials for nuclear weapons or other nuclear explosive devices.

3. Establishment of an ad hoc working group within the Conference on Disarmament under agenda item 1, entitled "Cessation of the nuclear arms race and nuclear disarmament", subject to a consensus agreement on a mandate for such a group.

4. Increased transparency as a voluntary confidence-building measure to support further progress in disarmament.

5. Application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account.

6. Calling for the prompt entry into force and the timely implementation of START II and its Protocol, and the early commencement of negotiations on START III, with a view to further reductions in strategic nuclear weapons and the verified dismantlement of warheads destined for disarmament under that Treaty.

7 Reaffirmation of the importance of the Anti-Ballistic Missile Treaty as a cornerstone of strategic stability.

8 Underlining the importance of non-strategic nuclear weapons in the framework of nuclear arms reduction efforts.

NPT/CONF.2000/MC.I/SB.I/WP.3

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2000

Original: English

New York, 24 April-19 May 2000

## Nuclear disarmament

### Working paper submitted by Finland

The States Parties,

1. Underline the importance of the announcements by the United States of America and the Russian Federation that they would unilaterally implement reductions in their non-strategic nuclear weapons and the full implementation of those announcements, which contribute to international peace and stability as well as increased security of all States Parties.

2. Welcome the intention, contained in the joint statement on parameters on future reductions in nuclear forces issued at the Helsinki summit on 21 March 1997, to explore in the context of START III negotiations possible confidence-building and transparency measures relating to tactical nuclear weapons.

3. Recognize the value of increased openness achieved through the information provided by the nuclear-weapon States in the course of the process of reviewing the Treaty on the Non-Proliferation of Nuclear Weapons on steps they have taken or are taking in nuclear disarmament, in particular regarding tactical nuclear weapons.

4. Support the objective of increased transparency regarding withdrawal from operational use and dismantlement of short-range nuclear weapons.

NPT/CONF.2000/MC.I/SB.1/WP.4

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

8 May 2000

Original: English

New York, 24 April-19 May 2000

## Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

### Working paper submitted by Malaysia and Costa Rica

*The Sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,*

*Mindful* of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

*Recalling* the commitment, made by the nuclear-weapon States at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

*Recalling also* the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,

*Underlining* the unanimous conclusion of the International Court that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

*Recalling also* General Assembly resolutions 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998 and 54/54 Q of 1 December 1999, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", in which the Assembly called for implementation of the aforementioned obligation by the immediate commencement of multilateral negotiations leading to the early conclusion of a nuclear weapons convention,

*Concerned* that those States that operate unsafeguarded nuclear facilities and have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, retain the nuclear-weapons option, *Affirms* the requirement of States parties to fulfil their obligations under the Treaty and in accordance with the 1996 advisory opinion of the Court, and to that end:

1. The States Parties agree to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination under strict and effective international control, and to invite those States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to join in such negotiations;

2. The States Parties agree to give consideration to the legal, technical and political elements required for a nuclear weapons convention or framework convention. Those elements may include:

(a) Non-discriminatory general obligations, applicable to States and non-State actors, prohibiting the acquisition, development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;

(b) Interim control, protection and accounting of nuclear weapons and fissile material holdings;

(c) Phases and steps for the systematic and progressive destruction of all nuclear warheads and their delivery vehicles;

(d) An international organization to coordinate verification, implementation and enforcement under strict and effective international control;

3. The States Parties agree to take appropriate interim steps, including unilateral measures and the achievement of other mutually reinforcing bilateral, plurilateral and multilateral instruments to remove the role of nuclear weapons from security doctrines and to further the reduction and elimination of nuclear arsenals.

NPT/CONF.2000/MC.II/1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

16 May 2000

Original: English

New York, 24 April-19 May 2000

## Report of Main Committee II

### Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee II as one of its three Main Committees and decided to allocate to it the following items for its consideration (see NPT/CONF.2000/1 and Corr.1, annex VIII):

**Item 16.** Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

- (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
  - (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
  - (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
  - (iii) Article VII.
- (e) Other provisions of the Treaty.

**Item 17.** Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

2. Also pursuant to rule 34 of its rules of procedure, the Conference approved the establishment of Subsidiary Body 2 under Main Committee II. The Conference decided that Subsidiary Body 2 would examine regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution. It

further decided that the Subsidiary Body would be open-ended, and that the meetings of the Subsidiary Body would be held in private. The Conference decided that Subsidiary Body 2 would hold four meetings within the overall time allocated to Main Committee II, and that the outcome of the work of the Subsidiary Body would be reflected in the report of Main Committee II to the Conference (NPT/CONF.2000/DEC.1).

## Officers of the Committee

3. The Conference unanimously elected Ambassador Adam Kobieracki (Poland) as the Chairman of the Committee and Ambassador Dae-won Suh (Republic of Korea) and Yaw Odei Osei (Ghana) as Vice-Chairmen of the Committee.

4. The Conference also unanimously elected Ambassador Christopher Westdal (Canada) as Chairman of Subsidiary Body 2.

## Documents before the Committee

5. The Committee had before it the following documents:

(a) Background documents

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| NPT/CONF.2000/1 and Corr.1 | Final Report of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/3 | Implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons: developments since the 1995 Review and Extension Conference: background paper prepared by the United Nations Secretariat |
| NPT/CONF.2000/5 | Implementation of article VII of the Treaty on the Non-Proliferation of Nuclear Weapons: developments since the 1995 Review and Extension Conference: background paper prepared by the United Nations Secretariat |
| NPT/CONF.2000/7 | Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: background paper prepared by the United Nations Secretariat |
| NPT/CONF.2000/8 | Realization of the goals of the Treaty on the Non-Proliferation of Nuclear Weapons in various regions of the World: background paper prepared by the United Nations Secretariat |

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| **NPT/CONF.2000/9** | Activities of the International Atomic Energy Agency relevant to article III of the Treaty on the Non-Proliferation of Nuclear Weapons: background paper prepared by the secretariat of IAEA |
| **NPT/CONF.2000/12** | Memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean prepared for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| **NPT/CONF.2000/13** | Memorandum on activities relating to the South Pacific Nuclear-Free-Zone Treaty: submitted by the secretariat of the South Pacific Forum |
| **NPT/CONF.2000/14** | Memorandum on activities relating to the African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty): submitted by the Secretary-General of the Organization of African Unity |
| **NPT/CONF.2000/15** | Memorandum on activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok): submitted by the depositary of the Treaty of Bangkok |
| **NPT/CONF.2000/16** | Letter dated 2 March 2000 from the Permanent Representative of Mongolia to the United Nations addressed to the Provisional Secretary-General of the Conference (transmitting the Law of Mongolia on the nuclear-weapon-free status and the parliamentary resolution) |
| **NPT/CONF.2000/17** | Multilateral nuclear supply principles of the Zangger Committee: working paper submitted by members of the Zangger Committee |
| **NPT/CONF.2000/18** | Letter dated 20 April 2000 from the Permanent Representative of Indonesia to the United Nations, (in his capacity as Chairman of the Working Group on Disarmament, Movement of Non-Aligned Countries), addressed to the Provisional Secretary-General of the Review Conference (transmitting a working paper presented by the members of the Movement of Non-Aligned Countries Parties to the Treaty on the Non-Proliferation of Nuclear Weapons) |

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| NPT/CONF.2000/19 | Note verbale dated 25 April 2000 from the Permanent Mission of Portugal to the United Nations addressed to the secretariat of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (transmitting a document entitled "Council common position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons") |
| NPT/CONF.2000/20 | Letter dated 28 April 2000 from the Permanent Representative of Bahrain to the United Nations (in his capacity as Chairman of the Arab Group for the month of April 2000 and on behalf of States Members of the League of Arab States) addressed to the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (transmitting a working paper on the implementation of the resolution on the Middle East adopted in 1995) |
| NPT/CONF.2000/WP.1 | Further measures to be taken for the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by Japan and Australia |

(b) Documents submitted and introduced in Main Committee II

(i) Working papers

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| NPT/CONF.2000/MC.II/WP.1 | Safeguards: working paper submitted by South Africa |
| NPT/CONF.2000/MC.II/WP.2 | Introduction: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| NPT/CONF.2000/MC.II/WP.3 | Safeguards: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| NPT/CONF.2000/MC.II/WP.4 | Export controls: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |

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| **NPT/CONF.2000/MC.II/WP.5** | Safeguards in nuclear-weapon States and States with unsafeguarded inventories: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| **NPT/CONF.2000/MC.II/WP.6** | Resources for safeguards: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| **NPT/CONF.2000/MC.II/WP.7** | Plutonium and highly enriched uranium management: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| **NPT/CONF.2000/MC.II/WP.8** | Physical protection, illicit trafficking: working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| **NPT/CONF.2000/MC.II/WP.9 and Rev.1** | Implementation of the resolution of 1995 on the Middle East: working paper submitted by Egypt |
| **NPT/CONF.2000/MC.II/WP.10** | Working paper submitted by Portugal on behalf of the European Union |
| **NPT/CONF.2000/MC.II/WP.11** | Working paper submitted by China |
| **NPT/CONF.2000/MC.II/WP.12** | Working paper submitted by Norway |
| **NPT/CONF.2000/MC.II/WP.13** | Nuclear-weapon-free zones: working paper submitted by Mongolia |
| **NPT/CONF.2000/MC.II/WP.14** | Safeguards and export controls: working paper submitted by the Islamic Republic of Iran |
| **NPT/CONF.2000/MC.II/WP.15** | Article VII: working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan |
| **NPT/CONF.2000/MC.II/WP.16** | Nuclear-weapon-free zones: working paper submitted by Belarus |

**(ii) Conference room papers**

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| **NPT/CONF.2000/MC.II/CRP.1** | Draft indicative schedule of work of Main Committee II |
| **NPT/CONF.2000/MC.II/CRP.2** | Proposal by Ireland on working paper 6 |
| **NPT/CONF.2000/MC.II/CRP.3** | Proposal by Greece on working paper 3 |

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| NPT/CONF.2000/MC.II/CRP.4 | Proposal submitted by the United States of America |
| NPT/CONF.2000/MC.II/CRP.5 | Statement made by Yuji Ikeda, Representative of Japan, on safeguards |
| NPT/CONF.2000/MC.II/CRP.6 | Proposed amendments on the Chairman's draft report: working paper submitted by the members of the Movement of Non-Aligned Countries Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/MC.II/CRP.7 | Proposed language: working paper submitted by the members of the Movement of Non-Aligned Countries Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/MC.II/CRP.8 | Preliminary comments on Main Committee II Chairman's draft: working paper submitted by the United States of America |
| NPT/CONF.2000/MC.II/CRP.9 | Proposed language for the Chairman's draft report: working paper submitted by Japan |
| NPT/CONF.2000/MC.II/CRP.10 | Proposal submitted by Germany |
| NPT/CONF.2000/MC.II/CRP.11 | Conference room paper submitted by Japan |
| NPT/CONF.2000/MC.II/CRP.12 | Conference room paper submitted by China |
| NPT/CONF.2000/MC.II/CRP.13 and Rev.1 | Draft report of Main Committee II: Chairman's revised draft |

(c) Documents submitted to and introduced in Main Committee II, Subsidiary Body 2

(i) Working papers

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| NPT/CONF.2000/MC.II/SB.2/WP.1 and Rev.1 and 2 | Draft text of Subsidiary Body 2: submitted by the Chairman |

(ii) Conference room papers

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| NPT/CONF.2000/MC.II/SB.2/CRP.1 | Draft indicative schedule of work of Main Committee II, Subsidiary Body 2 |
| NPT/CONF.2000/MC.II/SB.2/CRP.2 | Proposed language submitted by the members of the Movement of Non-Aligned Countries Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/MC.II/SB.2/CRP.3 | Conference room paper submitted by Egypt |
| NPT/CONF.2000/MC.II/SB.2/CRP.4 | Statement by the representative of the International Atomic Energy Agency regarding its safeguards and verification activities in Iraq |

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| NPT/CONF.2000/MC.II/SB.2/CRP.5 | Conference room paper submitted by the Arab Group |
| NPT/CONF.2000/MC.II/SB.2/CRP.6 | Conference room paper submitted by South Africa |
| NPT/CONF.2000/MC.II/SB.2/CRP.7 | Conference room paper submitted by the Islamic Republic of Iran |
| NPT/CONF.2000/MC.II/SB.2/CRP.8 | Conference room paper submitted by the United States of America |
| NPT/CONF.2000/MC.II/SB.2/CRP.9 | Comments by Iraq on the statement of the representative of the International Atomic Energy Agency |

## Work of the Committee

6. The Committee held seven plenary meetings between 26 April and 12 May 2000. An account of the discussion is contained in the relevant summary records (NPT/CONF.2000/MC.II/SR.1-7). Subsidiary Body 2 of Main Committee II held its meetings between 1 and 11 May. As the meetings of Subsidiary Body 2 were closed, there are no official records of those meetings. Main Committee II and Subsidiary Body 2 also held informal meetings and consultations during that period. The Chairman of Main Committee II was assisted by the Vice-Chairmen in coordinating the informal consultations convened to examine various proposals and documents submitted to the Committee. After an item-by-item consideration of the agenda items allocated to it, the Committee, both at its formal and informal meetings, proceeded to a detailed discussion of the proposals and documents before it; the results of the discussion are outlined in paragraphs 7 and 8 below. The various views expressed and proposals made are reflected in the summary records of the Committee and in the working papers submitted to it. Those summary records and working papers form an integral part of the report of the Committee to the Conference.

## Conclusions and recommendations

7. At the seventh meeting of Main Committee II, on 12 May 2000, the Committee took note of the report submitted to it by the Chairman of Main Committee II. With the exception of the texts indicated in boldface type, which require further work as they did not enjoy consensus at the time the report was taken note of, the Committee agreed on the following formulations for the final document of the Conference.[1]

> 1. The Conference recalls and reaffirms the decision of the 1995 Review and Extension Conference entitled "Principles and objectives for nuclear non-proliferation and disarmament", noting paragraph 1 of the principles and objectives and the elements relevant to article III of the Treaty, in particular paragraphs 9-13 and 17-19, and to article VII of the Treaty, in particular

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[1] Following further negotiation, agreement was reached on the issues discussed in Main Committee II, including Subsidiary Body 2, which is reflected in the relevant sections of the Final Document of the Review Conference, vol. I (NPT/CONF.2000/28 (Parts I and II)), Part I.

2. The Conference notes that recommendations made at previous conferences for the future implementation of article III provide a helpful basis for States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the International Atomic Energy Agency (IAEA) to strengthen the non-proliferation regime and provide assurance of compliance with non-proliferation undertakings.

3. The States parties urge the international community to enhance cooperation in the field of non-proliferation issues and to seek solutions to all concerns or issues related to non-proliferation in accordance with the obligations, procedures and mechanisms established by the relevant international legal instruments.

4. The Conference reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons is vital in preventing the proliferation of nuclear weapons and in providing significant security benefits. The parties remain convinced that universal adherence to the Treaty can achieve this goal, and they urge all four States not parties to the Treaty to accede to it unconditionally and without delay, and to bring into force the required safeguards agreements.

**5. The Conference reaffirms the fundamental importance of full compliance with the provisions of the Treaty and the relevant safeguards agreements.** *(Explanatory note: content acceptable; placement to be decided)*

6. The Conference recognizes that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear disarmament and nuclear cooperation.

7. The Conference reaffirms that IAEA is the competent authority responsible for verifying and assuring, in accordance with the Statute of IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

**8. Measures should be taken to ensure that the rights of all States parties under the provisions of the preamble and the articles of the Treaty are fully protected and that no State party is limited in the exercise of these rights in accordance with the Treaty on the basis of allegations of non-compliance not verified by IAEA.**

**9. The Conference notes with concern that IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea, and is therefore unable to conclude that there has been no diversion of nuclear material in that country.** *(Explanatory note: content acceptable; placement to be decided)*

**10. The Conference emphasizes the importance of access to the Security Council and General Assembly by IAEA, including its Director General, in accordance with article XII.C of the Statute of IAEA and paragraph 19 of INFCIRC/153 (Corr.), and also emphasizes the vital role of the Security Council in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations reported to it by IAEA.**

11. The Conference considers that IAEA safeguards provide assurance that States are complying with their undertakings under relevant safeguards agreements and assist States to demonstrate this compliance.

12. The Conference stresses that the non-proliferation and safeguards commitments in the Treaty are also essential for peaceful nuclear commerce and cooperation and that IAEA safeguards make a vital contribution to the environment for peaceful nuclear development and international cooperation in the peaceful uses of nuclear energy.

**13. Comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved. In the meantime, the Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States under the relevant voluntary-offer safeguards agreements in the most economical and practical way possible, taking into account the availability of IAEA resources.**

14. The Conference reiterates the call by previous conferences of the States parties for the application of IAEA safeguards to all source or special fissionable material in all peaceful nuclear activities in the States parties in accordance with the provisions of article III of the Treaty. The Conference notes with satisfaction that, since 1995, 28 States have concluded safeguards agreements with IAEA in compliance with article III, paragraph 4, of the Treaty, 25 of which have brought the agreements into force.[2]

15. The Conference looks forward to the fulfilment by the Democratic People's Republic of Korea of its stated intention to come into full compliance with its safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of the Democratic People's Republic of Korea preserving and making available to IAEA all information needed to verify its initial declaration.

16. The Conference reaffirms that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

17. The Conference reaffirms that the implementation of comprehensive safeguards agreements pursuant to article III, paragraph 1, of the Treaty should be designed to provide for verification by IAEA of the correctness and

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[2] **Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Brazil, Cambodia, Chile, Czech Republic, Dominica, Estonia, Ethiopia, Grenada, Guyana, Kazakhstan, Monaco, Namibia, Saint Kitts and Nevis, San Marino, Slovenia, Ukraine and Zimbabwe.**

completeness of a State's declaration so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

18. The Conference notes the measures endorsed by the IAEA Board of Governors in June 1995 for strengthening and making more efficient the safeguards system and notes also that these measures are being implemented pursuant to the existing legal authority conferred upon IAEA by comprehensive safeguards agreements.

19. The Conference also fully endorses the measures contained in the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540 (Corrected)), which was approved by the IAEA Board of Governors in May 1997. The safeguards-strengthening measures contained in the Model Additional Protocol will provide IAEA with, *inter alia*, enhanced information about a State's nuclear activities and complementary access to locations within a State.

20. The Conference recognizes that comprehensive safeguards agreements based on document INFCIRC/153 have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference notes that implementation of the measures specified in the Model Additional Protocol will foster, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole and that those measures are now being introduced as an integral part of the IAEA safeguards system. The Conference notes, in particular, the relationship between the additional protocol and the safeguards agreement between IAEA and a State party as set out in article 1 of the Model Additional Protocol. In this regard, it recalls the interpretation provided by IAEA secretariat on 31 January 1997 and set out in document GOV/2914 of 10 April 1997 that, once concluded, the two agreements had to be read and interpreted as one agreement.

21. The Conference notes the high priority that IAEA attaches, in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear-material verification activities with the new strengthening measures and looks forward to an expeditious conclusion of this work. It recognizes that the aim of these efforts is to optimize the combination of all safeguards measures available to IAEA in order to meet the Agency's safeguards objectives with maximum effectiveness and efficiency and within available resources. Furthermore, the Conference notes that credible assurance of the absence of undeclared nuclear material and activities, notably those related to enrichment and reprocessing, in a State as a whole could permit a corresponding reduction in the level of traditional verification efforts with respect to declared nuclear material in that State, which is less sensitive from the point of view of non-proliferation. The Conference notes the important work being undertaken by IAEA in the conceptualization and development of integrated safeguards approaches, and encourages continuing work by IAEA in further developing and implementing these approaches on a high-priority basis.

**22. The Conference recognizes that strengthening the effectiveness and improving the efficiency of the safeguards system with a view to providing credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities must be implemented rapidly by all nuclear States party to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference also recognizes that the interests of nuclear non-proliferation will be effectively served by the acceptance of IAEA safeguards strengthening measures by States with item-specific safeguards agreements. The Conference welcomes the additional protocol concluded by Cuba and urges it also to bring the protocol into force as soon as possible.**

23. The Conference notes that bilateral and regional safeguards play a key role in the promotion of transparency and mutual confidence between neighbouring States, and that they also provide assurances concerning nuclear non-proliferation. The Conference considers that bilateral or regional safeguards could be useful in regions interested in building confidence among its member States and in contributing effectively to the non-proliferation regime.

**24. The Conference recalls the commitment of nuclear-weapon States in article I of the Treaty to not transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices, directly or indirectly. The Conference calls upon the nuclear-weapon States to commit themselves to not enter into any kind of nuclear technical cooperation or assistance with States not party to the Treaty.**

25. The Conference stresses the need to respect the letter and the spirit of the Treaty with respect to technical cooperation with States not party to the Treaty.

26. The Conference recognizes that nuclear material supplied to the nuclear-weapon States for peaceful purposes should not be diverted for the production of nuclear weapons or other nuclear explosive devices, and should be, if required by the supplier, subject to appropriate IAEA safeguards agreements.

**27. The Conference notes that all nuclear-weapon States have now concluded additional protocols to their voluntary-offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and is consistent with that State's obligations under article I of the Treaty. The Conference invites such States to keep the scope of those additional protocols under review.**

28. The Conference commends IAEA for making its experience in the verification of nuclear non-proliferation available to the Conference on Disarmament in connection with the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

29. The Conference takes note of the Declaration of the Moscow Nuclear Safety and Security Summit of April 1996, including in relation to the safe and effective management of fissile material designated as no longer required for defence purposes, and the initiatives stemming from it.

**30. The Conference underlines the importance of international verification of nuclear weapon material no longer required for military programmes that has been irreversibly transferred to peaceful purposes. The Conference supports recent unilateral offers and mutual initiatives to place excess material under appropriate IAEA verification arrangements. Fissile materials designated by each of the nuclear-weapon States as no longer required for military purposes should as soon as practicable be placed under the IAEA or other relevant verification programme.**

**31. The Conference notes the considerable increase in the Agency's safeguards responsibilities since 1995. It further notes the financial constraints under which the IAEA safeguards system is functioning and calls upon all States parties, including, in particular, nuclear-weapon States, to continue their political, technical and financial support of IAEA in order to ensure that the Agency is able to meet its safeguards responsibilities.**

32. The Conference welcomes the significant contributions by States parties through their support programmes to the development of technology and techniques that facilitate and assist the application of safeguards.

33. The Conference considers that the strengthening of IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. The allocation of resources should take into account all of the Agency's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer.

34. The Conference recognizes that the transfer of nuclear-related equipment, information, material and facilities, resources or devices should be consistent with States' obligations under the Treaty.

**35. The States parties remain concerned about the ability of certain States not party to the Treaty to obtain nuclear material and the technology and know-how to develop nuclear weapons. The States parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material, facilities, resources and devices and the extension of assistance to States not party to the Treaty without exception in the nuclear, scientific or technological fields which may enable them to produce or develop nuclear-weapon capabilities.**

36. The Conference reaffirms that each State party to the Treaty has undertaken not to provide source or special fissionable material or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by article III of the Treaty.

37. The Conference reaffirms that nothing in this Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production capacity and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty.

**38. The Conference reaffirms paragraph 12 of decision 2 (Principles and objectives for nuclear non-proliferation and disarmament), adopted on 11 May 1995 by the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.**

39. The Conference recognizes that there are nuclear dual-use items of equipment, technology and materials not identified in article III, paragraph 2, of the Treaty that are relevant to the proliferation of nuclear weapons and therefore to the Treaty as a whole. The Conference calls upon all States parties to ensure that their exports of nuclear dual-use items to States not party to the Treaty do not assist any nuclear-weapons programme. The Conference reiterates that each State party should also ensure that any transfer of such items is in full conformity with the Treaty.

**40. The Conference encourages the States parties to ensure, within their national rules and regulations, that the transfer of nuclear and nuclear-related dual-use items to all States will be used only for peaceful purposes in accordance with articles I, II, III and IV of the Treaty.**

**41. The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2, of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended.**

**42. The Conference takes note of the two international seminars on the role of export controls in nuclear non-proliferation, held in 1997 in Vienna and 1999 in New York, organized by the Nuclear Suppliers Group and designed to contribute to transparency as called for in paragraph 17 of decision 2 (Principles and objectives for nuclear non-proliferation and disarmament) adopted by the 1995 Review and Extension Conference.**

43. The Conference recognizes the particular requirement for safeguards on unirradiated direct-use nuclear material, and notes the projections by IAEA that the use of separated plutonium for peaceful purposes is expected to increase over the next several years. The Conference recognizes the non-proliferation benefits of the conversion of civilian research reactors to low

enriched uranium fuel. The Conference notes with appreciation that many research reactors are discontinuing the use of highly enriched uranium fuel in favour of low-enriched uranium fuel as a result of the Reduced Enrichment for Research and Test Reactors Programme. The Conference expresses satisfaction at the considerable work undertaken to ensure the continuing effectiveness of IAEA safeguards in relation to reprocessing, to the storage of separated plutonium and to uranium enrichment.

44. The Conference welcomes the additional transparency on matters pertaining to the management of plutonium resulting from the establishment, in 1997, of Guidelines for the Management of Plutonium (INFCIRC/549), setting out the policies that several States, including the nuclear-weapon States, have decided to adopt.

**45. The Conference notes the announcement made by some nuclear-weapon States that they have ceased the production of fissile material for use in nuclear weapons or other nuclear explosive devices and urges those that have not done so to make a similar announcement.**

46. The Conference notes the conclusion drawn by the Board of Governors of IAEA that the proliferation risk with regard to neptunium is considerably lower than that with regard to uranium or plutonium and that at present there is practically no proliferation risk with regard to americium. The Conference expresses satisfaction at the recent decisions of the IAEA Board of Governors, which enabled IAEA to enter into exchanges of letters with States, on a voluntary basis, to ensure the regular and timely receipt of information as well as the application of measures required for efficient implementation of certain monitoring tasks regarding the production and transfer of separated neptunium, and which requested the Director General of IAEA to report to the Board when appropriate with respect to the availability of separated americium, using relevant information available through the conduct of regular IAEA activities and any additional information provided by States on a voluntary basis.

47. The Conference notes the paramount importance of effective physical protection of all nuclear material and calls upon all States to maintain the highest possible standards of security and physical protection of nuclear materials. The Conference notes the need for strengthened international cooperation in physical protection. In this regard, the Conference notes that 63 States have become party to the Convention on the Physical Protection of Nuclear Material.

48. Expressing concern about the illicit trafficking of nuclear and other radioactive materials, the Conference urges all States to introduce and enforce appropriate measures and legislation to protect and ensure the security of such material. The Conference welcomes the activities in the fields of prevention, detection and response being undertaken by IAEA in support of efforts against illicit trafficking. The Conference acknowledges the Agency's efforts to assist member States in strengthening their regulatory control on the applications of radioactive materials, including its ongoing work on a registry of sealed sources. It also welcomes the Agency's activities undertaken to provide for the enhanced exchange of information among its member States, including the continued maintenance of the illicit trafficking database. The Conference recognizes the importance of enhancing cooperation and coordination among

States and among international organizations in preventing, detecting and responding to the illegal use of nuclear and other radioactive material.

**49. The Conference stresses the need for the rapid conclusion of the Convention on the Suppression of Acts of Nuclear Terrorism.**

50. The Conference welcomes and supports the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995, and reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament.

51. The Conference supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia.

52. The Conference welcomes and supports the declaration by Mongolia of its nuclear-weapon-free status, and takes note of the recent adoption by the Mongolian parliament of legislation defining that status as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions, as a concrete contribution to promoting the aims of nuclear non-proliferation and a practical contribution to promoting political stability and predictability in the region.

53. The Conference further welcomes the Joint Declaration on the Denuclearization of the Korean Peninsula and urges its rapid implementation.

54. The Conference recognizes the continuing contributions that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards the achievement of nuclear non-proliferation and disarmament objectives, particularly in the southern hemisphere and adjacent areas, and towards keeping the areas covered by these treaties free of nuclear weapons, in accordance with international law. In this context, the Conference welcomes the vigorous efforts being made among States parties and signatories to those treaties in order to promote their common objectives.

55. The Conference stresses the importance of signature and ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to those treaties, recognizing that security assurances are available to States parties to those treaties. In this context, the Conference takes note of the statement of the five nuclear-weapon States that internal processes are under way to secure the few lacking ratifications to the treaties of Tlatelolco, Rarotonga and Pelindaba, and that consultations with the States parties to the Treaty of Bangkok have been accelerated, paving the way for adherence by the five nuclear-weapon States to the protocol to that Treaty.

**56. The Conference welcomes the consensus reached in the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. It urges Israel, the only State in the region that is not**

**party to the Treaty, to accede to the Treaty and to place its nuclear facilities under full-scope safeguards, in accordance with Security Council resolution 487 (1981), and to take the practical and urgent steps required for the establishment of a nuclear-weapon-free zone in the Middle East as a first step towards the establishment in the same region of a zone free of all weapons of mass destruction. The Conference calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under IAEA comprehensive safeguards. The Conference also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories or territories under their control of nuclear weapons or nuclear devices.**

57. The Conference further welcomes the report on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, adopted by consensus by the Disarmament Commission on 30 April 1999.

58. The Conference regards the establishment of additional nuclear-weapon-free zones as a matter of priority, and in this respect supports the intention and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region, welcomes the practical steps they have taken towards implementation of their initiative and notes with satisfaction the substantial progress they have made in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

**59. The Conference strongly believes that the international community should continue to promote the creation of nuclear-weapon-free zones around the globe and welcomes the efforts and initiatives of the States parties on the establishment of new nuclear-weapon-free zones in various regions of the world, including the initiative on the establishment of a nuclear-weapon-free space in Central and Eastern Europe proposed by Belarus.**

60. The Conference notes with concern that 51 States parties to the Treaty have yet to bring into force comprehensive agreements,[3] and urges them to do

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[3] ***Version 1*: In Europe: Andorra, Georgia, Kyrgyzstan, Republic of Moldova, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan; in Africa: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Equatorial Guinea, Eritrea, Gabon, Guinea, Guinea-Bissau, Kenya, Liberia, Mali, Mozambique, Niger, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Togo, Uganda, Seychelles, United Republic of Tanzania; in Asia and the Pacific: Lao People's Democratic Republic, Marshall Islands, Micronesia (Federated States of), Palau, Vanuatu; in Latin America and the Caribbean: Haiti; in the Middle East: Bahrain, Djibouti, Kuwait, Mauritania, Oman, Qatar, Saudi Arabia, United Arab Emirates, Yemen.**

***Version 2*: Andorra, Angola, Bahrain, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Djibouti, Equatorial Guinea, Eritrea, Gabon, Georgia, Guinea, Guinea-Bissau, Haiti, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Mali, Marshall Islands, Mauritania, Micronesia (Federated States of), Mozambique, Niger, Oman, Palau, Qatar, Republic of Moldova, Rwanda, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, Somalia, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen.**

so as soon as possible. This includes States parties without substantial nuclear activities. The Conference notes that in the case of States without substantial nuclear activities, the conclusion of safeguards agreements involves simplified procedures. The Conference recommends that the Director General of IAEA continue his efforts to further facilitate and assist those States parties in the conclusion and the entry into force of such agreements.

61. The Conference welcomes the fact that since May 1997, the IAEA Board of Governors has approved additional protocols to comprehensive safeguards agreements with 43 States and that 10 of those additional protocols are currently being implemented. The Conference encourages all States parties, in particular those States parties with substantial nuclear programmes, to conclude additional protocols as soon as possible and to bring them into force or provisionally apply them as soon as possible.

**62. The Conference invites States parties to consider at the next Review Conference the possibility of establishing an additional protocol (INFCIRC/540 (Corrected)) as constituting an element of the IAEA full-scope safeguards referred to in paragraph 12 of decision 2 of the 1995 Conference.**

63. The Conference urges IAEA to continue implementing strengthened safeguards measures as broadly as possible, and further urges all States with safeguards agreements to cooperate fully with IAEA in the implementation of those measures.

64. The Conference recommends that the Director General of IAEA and the IAEA member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion and entry into force of such safeguards agreements and additional protocols, including, for example, specific measures to assist States with less experience in nuclear activities to implement the legal requirements.

65. The Conference calls upon all States parties to give their full and continuing support to the IAEA safeguards system.

**66. The Conference recognizes the agreement under which the United States is purchasing low enriched uranium blended down from high enriched uranium taken from Russian nuclear weapons and the purchase of 80 tons of such material to date. The Conference also recognizes the affirmation, by Presidents Clinton and Yeltsin in the Moscow Statement of 1998, of the intention of the Russian Federation and the United States to remove approximately 50 tons of plutonium from their nuclear weapons and to convert it so that it can never again be used in nuclear weapons. The Conference further recognizes the measures taken to implement this commitment.**

67. The Conference calls upon all four States not yet party to the Treaty, **namely, Cuba, India, Israel and Pakistan,** particularly those three which operate unsafeguarded nuclear facilities, to become parties to the Treaty without delay and without conditions, and to conclude without delay comprehensive safeguards agreements with IAEA and additional protocols consistent with the Model contained in INFCIRC/540 (Corrected).

68. The Conference requests that IAEA continue to identify the financial and human resources needed to meet effectively and efficiently all of its responsibilities, including its safeguards verification responsibilities. It strongly urges all States to ensure that IAEA is provided with these resources.

69. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty.

70. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III, paragraph 2, be reviewed from time to time to take into account advances in technology, the proliferation sensitivity and changes in procurement practices.

71. The Conference notes that a number of States parties also cooperate on a voluntary basis through guidelines for their nuclear-related exports, as set forth in IAEA document INFCIRC/254 as amended.

72. The Conference requests that the Zangger Committee and any other supplier arrangements should be transparent and that appropriate measures should continue to be taken to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III and IV.

73. The Conference invites coordination of national policies among all interested States parties to the extent possible, including through IAEA, in a manner that would contribute to the non-proliferation objectives of the Treaty and facilitate transparency and participation of all interested States parties in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, in conformity with articles I, II, III and IV of the Treaty.

74. The Conference recommends that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States parties to the Treaty.

75. The Conference encourages all other States that separate, hold, process or use separated plutonium in their civil nuclear activities to adopt policies similar to those which have been adopted by the participants in the Plutonium Management Guidelines (INFCIRC/549). Furthermore, the Conference encourages the States concerned to consider similar policies for the management of highly enriched uranium used for peaceful purposes.

76. The Conference urges all States that have not yet done so to adhere to the Convention on the Physical Protection of Nuclear Material on the earliest possible date and to apply, as appropriate, the recommendations on the physical protection of nuclear material and facilities contained in IAEA document INFCIRC/225/Rev.4 (Corrected) and in other relevant guidelines. It welcomes the ongoing informal discussions among legal and technical experts, under the aegis of IAEA, to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material.

8. At the seventh meeting of Main Committee II, on 12 May 2000, the Committee took note of the following report submitted to it by the Chairman of Subsidiary

under the aegis of IAEA, to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material.

8. At the seventh meeting of Main Committee II, on 12 May 2000, the Committee took note of the following report submitted to it by the Chairman of Subsidiary Body 2. Some elements of that report do not enjoy consensus. The Main Committee nonetheless considered that the report provided a good basis for further consultations.[4] For purposes of these consultations, the attention of the Conference is drawn to the following documents:

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| NPT/CONF.2000/MC.II/SB.2/CRP.2 | Proposed language submitted by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons to Subsidiary Body 2 |
| NPT/CONF.2000/MC.II/SB.2/CRP.3 | Conference room paper submitted to Subsidiary Body 2 by Egypt |
| NPT/CONF.2000/MC.II/SB.2/CRP.5 | Conference room paper submitted to Subsidiary Body 2 by Tunisia on behalf of the Group of Arab States |
| NPT/CONF.2000/MC.II/SB.2/CRP.6 | Conference room paper submitted to Subsidiary Body 2 by the Islamic Republic of Iran |
| NPT/CONF.2000/MC.II/SB.2/CRP.7 | Conference room paper submitted to Subsidiary Body 2 by South Africa |
| NPT/CONF.2000/MC.II/SB.2/CRP.8 | Conference room paper submitted to Subsidiary Body 2 by the United States of America |

*"With respect to the Middle East and implementation of the 1995 resolution on the Middle East:*

"1. The Conference reaffirms the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognizes that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the basis on which the Treaty was indefinitely extended without a vote in 1995.

"2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

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[4] Following further negotiation, agreement was reached on the issues discussed in Main Committee II, including Subsidiary Body 2, which is reflected in the relevant sections of the Final Document of the Review Conference, vol. I (NPT/CONF.2000/28 (Parts I and II)), Part II.

"5. The Conference reaffirms the need for all States in the Middle East to accept forthwith the application of full-scope IAEA safeguards to all their nuclear activities, in accordance with article III of the Treaty, and as an important confidence-building measure among all States in the region and as an enhancement of peace and security in the context of the establishment of a nuclear-weapon-free zone. The Conference notes the concern raised in paragraph 56 of the report of Main Committee II, which indicates that, *inter alia*, nine States parties in the Middle East have yet to conclude comprehensive safeguards agreements with IAEA. The Conference urges those States to bring these agreements into force as soon as possible.

"6. The Conference welcomes the additional protocol concluded by Jordan and urges its early entry into force. The Conference encourages all other States in the Middle East that have not yet done so to conclude and bring into force additional protocols as positive steps towards achieving universal application of the IAEA safeguards system. When fully in force, that system will constitute a major contribution towards the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction.

"7. The Conference reiterates the call on all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective. In this regard, the Conference notes with satisfaction the adoption without a vote by the General Assembly, for the twentieth consecutive year, of a resolution proposing the establishment of a nuclear-weapon-free zone in the region of the Middle East.

"8. The Conference encourages States in the Middle East to consider appropriate interim steps of a practical nature pending the full realization of the goals of the resolution on the Middle East. Such steps could begin with confidence-building measures with respect to fissile material production and accounting, nuclear safeguards and unilateral declarations.

"9. To facilitate the early establishment of a Middle East zone free of weapons of mass destruction, the Conference encourages all States in the Middle East that have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty.

"10. The Conference notes the unanimous adoption by the United Nations Disarmament Commission, at its 1999 session, of guidelines on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. The Conference notes that the Disarmament Commission's guidelines encouraged the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of zones free from all weapons of mass destruction.

"11. The Conference reiterates the call on all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems. The Conference notes with satisfaction the statement by the five nuclear-weapon States reaffirming their commitment to the resolution on the Middle East adopted in 1995.

"12. The Conference recognizes the need to monitor the implementation of the 1995 resolution on the Middle East on an ongoing basis. In this regard, the Conference agrees that specific time should be made available at Preparatory Committee meetings and Review Conferences for that purpose.

"13. The Conference remains convinced that compliance by all parties with all the provisions of the Treaty is a prerequisite to preventing the spread of nuclear weapons and other nuclear explosive devices.

"14. The Conference notes the statement of the representative of IAEA of 9 May 2000, provided during its deliberations, that the Agency is unable "to provide assurance that Iraq is in full compliance with its safeguards obligations, that is to say that there is no diversion of declared nuclear material and no presence of undeclared nuclear material". The Conference further notes that, in his letter of 10 April 2000 to the President of the Security Council (S/2000/300), the Director General of IAEA stated that the Agency is "unable to provide any measure of assurance with regard to Iraq's compliance with its obligations under the relevant Security Council resolutions". The Conference calls on Iraq to comply fully with its obligations under its IAEA safeguards agreement and its obligations under Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1284 (1994).

"*With respect to South Asia and other regional issues*

"15. The Conference emphasizes that nuclear disarmament and nuclear non-proliferation are mutually reinforcing.

"16. The Conference notes that the nuclear explosions carried out by India and then by Pakistan in May 1998 were a cause of deep international concern and calls upon both countries to take all of the measures set out in Security Council resolution 1172 (1998). In accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, notwithstanding their nuclear tests, India and Pakistan do not have the status of nuclear-weapon States.

"17. The Conference calls on India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and urges both States to place all their nuclear facilities under comprehensive Agency safeguards. The Conference further calls on both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

"18. The Conference notes that India and Pakistan have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference calls on both States to sign the Treaty, in accordance with their pledges to do so.

"19. The Conference expresses satisfaction at the willingness expressed by India and Pakistan to participate in the negotiations in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, the Conference calls on both countries to observe a moratorium on the production of such material. The Conference appeals to them to join other countries in actively seeking an early commencement of negotiations on this issue, in a positive spirit and on the basis of the agreed mandate, with a view to reaching early agreement.

"20. The Conference notes with concern that, while the Democratic People's Republic of Korea remains a Party to the Non-Proliferation Treaty, IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea and is therefore unable to conclude that there has been no diversion of nuclear material in the Democratic People's Republic of Korea. The Conference looks forward to the fulfilment by the Democratic People's Republic of Korea of its stated intention to come into full compliance with its safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of action by the Democratic People's Republic of Korea to preserve and make available to IAEA all information needed to verify its initial inventory."

NPT/CONF.2000/MC.II/WP.1

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

27 April 2000

Original: English

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New York, 24 April-19 May 2000

# Safeguards

## Working paper submitted by South Africa

### 1. Introduction

1.1 Paragraph 7 of the Decision 1 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that dealt with "Strengthening the Review Process for the Treaty" tasked future Review Conferences with looking forward as well as back, evaluating the results of the period they are reviewing, including the implementation of undertakings of the States Parties under the Treaty, and identifying the areas in which, and the means through which, further progress should be sought in the future.

1.2 Paragraphs 9 to 13 of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", which was adopted as Decision 2 at the 1995 Review and Extension Conference, and which addressed forward-looking elements address the safeguards issue. Several of these paragraphs deal with issues that have already been addressed in the intervening period, and others deal with issues where the wording can be strengthened.

### 2. Proposals for forward-looking language on the safeguards issue together with explanatory notes

### 2.1 Proposed language

The International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring in accordance with the Statute of IAEA and the Agency's safeguards system, compliance with its safeguards agreements with States Parties undertaken in fulfilment of their obligations under article III(1) of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States Parties should direct such concerns, along with supporting evidence and information, to IAEA for it to consider, investigate, draw independent conclusions and decide on necessary actions in accordance with its Statute.

**Explanatory note**

Paragraph 9 of the Principles and Objectives has been amended by emphasizing "independent" conclusions to be drawn by IAEA and changing "mandate" to "statute".

### 2.2 Proposed language

All States Parties required by Article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay. This includes States Parties without substantial nuclear activities which should receive appropriate assistance in this regard.

**Explanatory note**

Paragraph 10 of the Principles and Objectives has been amended as indicated, the reason being that States with little or no nuclear activities may not have the knowledge or infrastructure to conclude and implement the required formalities.

### 2.3 Proposed language

All States Parties should also sign and bring into force the Additional Protocol to Safeguards Agreements.

**Explanatory note**

This is new language (relating to the Additional Protocol) and the emphasis is on "all" States Parties. Some nuclear-weapon States have already concluded Additional Protocols.

### 2.4 Proposed language

States not party to the Treaty should be urged to enter into comprehensive safeguards agreements and the Additional Protocol with IAEA.

**Explanatory note**

This language is a restatement of the last part of the paragraph 11 of the Principles and Objectives but with the addition of the Additional Protocol.

### 2.5 Proposed language

The safeguards measures under comprehensive safeguards agreements, the measures adopted by the IAEA Board of Governors to strengthen safeguards and new measures provided by the Additional Protocol and technological advances, should be integrated into a flexible, effective and cost-efficient new safeguards system to detect the diversion of nuclear material to nuclear weapons or other nuclear explosive devices and to provide credible assurance of the absence of undeclared material and activities. The effectiveness and cost-efficiency of IAEA safeguards should be regularly reviewed and evaluated.

**Explanatory note**

This is new language (with some elements of paragraph 11 of the Principles and Objectives) focusing on the integration of traditional and new safeguards measures and combining the elements of non-diversion and the detection of undeclared activities.

### 2.6 Proposed language

New supply arrangements for the transfer of nuclear material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as necessary preconditions, the application of comprehensive IAEA safeguards and State-to-State assurances not to acquire or build nuclear weapons or other nuclear explosive devices and to require the same conditions and assurances on further transfers of the material or equipment to third parties.

#### Explanatory note

This language is similar to paragraph 12 of the Principles and Objectives. The reference in the Principles and Objectives to "internationally legally binding commitments" outside the context of the Treaty is not clear. The following approach is consequently recommended:

(a) Require "comprehensive" safeguards, that is, of the type required by the Treaty;

(b) Require "State-to-State assurances";

(c) Require control over re-transfers.

### 2.7 Proposed language

Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under appropriate IAEA verification arrangements in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. The verification arrangements should ensure the irreversible removal of fissile material from military to peaceful use. Comprehensive safeguards and the Additional Protocol should be universally applied once the complete elimination of nuclear weapons has been achieved.

#### Explanatory note

Addresses the issues raised in paragraph 13 of the Principles and Objectives amended as follows:

(a) IAEA "safeguards" for ex-weapons materials has been changed to "appropriate IAEA verification arrangements" since normal safeguards implementation with direct access to materials is not possible;

(b) A statement on the irreversibility of the process is added.

NPT/CONF.2000/MC.II/WP.2

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

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## Introduction

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference recalls the generally positive assessment of the previous reviews of the implementation of Article III, and notes that recommendations at previous Conferences for the future implementation of that article provide a helpful basis for States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the International Atomic Energy Agency (IAEA) to strengthen the barriers to proliferation and provide assurance of compliance with non-proliferation undertakings.

2. The Conference reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons is vital to preventing the spread of nuclear weapons and in providing significant security benefits. The Parties remain convinced that universal adherence to the Treaty and full compliance with its provisions is the best way to achieve this goal and they urge all States not parties to the Treaty to accede to it and conclude and bring into force the required safeguards agreements.

3. The Conference recognizes that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime and play an indispensable role in the implementation of the Treaty. The Conference reaffirms that the International Atomic Energy Agency is the competent authority responsible for verifying and assuring, in accordance with the Statute of IAEA and the Agency's safeguards system, compliance with its safeguards agreements with States Parties undertaken in fulfilment of their obligations under Article III, paragraph 1 of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard.

4. The Conference notes with satisfaction that, since the last Review Conference, with the two regrettable exceptions caused by non-compliance with their safeguards agreements by two States Parties, the IAEA has continued to provide States Parties with assurance that nuclear material that had been declared and placed under safeguards had not been diverted for any military purpose or for purposes unknown,

or that facilities, equipment, or non-nuclear material and other items placed under safeguards had not been misused. While the Conference commends the Agency on its effort, it notes with concern that, since December 1998, IAEA has been unable to implement its mandate in Iraq pursuant to the relevant United Nations Security Council resolutions and continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea, and is therefore unable to conclude that there has been no diversion of nuclear material in the Democratic People's Republic of Korea.

5. The Conference emphasizes the importance of access to the United Nations Security Council by the Director-General of IAEA and the vital role of the Council in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by the Agency.

NPT/CONF.2000/MC.II/WP.3

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

Original: English

New York, 24 April-19 May 2000

## Safeguards

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference reaffirms the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States to demonstrate this compliance. IAEA safeguards thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security. Such safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. Accordingly, the Conference recognizes that IAEA safeguards are an important, integral part of the international regime for nuclear non-proliferation and play an indispensable role in ensuring the implementation of the Treaty.

2. The Conference stresses that the non-proliferation and safeguards commitments in the Treaty are also essential for peaceful nuclear commerce and cooperation and that IAEA safeguards make a vital contribution to the environment for peaceful nuclear development and international cooperation in the peaceful uses of nuclear energy.

3. The Conference reiterates the call by previous Conferences of the States Parties, for the continued pursuit by States Parties of the principle of the universal application of IAEA safeguards to all peaceful nuclear activities in all States Parties in accordance with the provisions of the Treaty. The Conference notes with satisfaction that, since 1995, 28 States have concluded safeguards agreements with IAEA in compliance with Article III, paragraph 4, of the Treaty. It notes with concern that 52 States Parties to the Treaty have yet to conclude such agreements, and urges that they do so and bring these agreements into force as soon as possible. It calls on those States Parties that have not yet done so to complete the negotiation of subsidiary arrangements with IAEA. The Conference also calls on all States not party to the Treaty to submit all their nuclear activities, both current and future, to IAEA safeguards.

4. The Conference notes that, in the case of States without significant nuclear activities, the conclusion of safeguards agreements involves simplified procedures.

The Conference recommends that the Director-General of IAEA continue his efforts to further facilitate and assist these States Parties in the conclusion and the entry into force of such agreements.

5. The Conference looks forward to the Democratic People's Republic of Korea fulfilling its stated intention to come into full compliance with its safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of the Democratic People's Republic of Korea preserving and making available to IAEA all information needed to verify its initial inventory.

6. The Conference reaffirms that IAEA safeguards should regularly be assessed and evaluated and that decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented.

7. The Conference reaffirms that the implementation of comprehensive safeguards agreements pursuant to Article III, paragraph 1, of the Treaty should be designed to provide for verification by the Agency of the correctness and completeness of a State's declaration, so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

8. The Conference welcomes the measures endorsed by the IAEA Board of Governors in June 1995 for strengthening safeguards pursuant to comprehensive safeguards agreements (INFCIRC/153). These measures, which include environmental sampling, remote monitoring, additional information about facilities in a State, and the expanded use of unannounced inspections, are being implemented pursuant to the legal authority conferred upon the Agency by existing comprehensive safeguards agreements. The Conference urges IAEA to continue implementing these strengthened safeguards measures as broadly as possible. The Conference further urges all States with comprehensive safeguards agreements to cooperate fully with IAEA in the implementation of these measures.

9. The Conference also fully endorses the measures contained in the model Additional Protocol to INFCIRC/153 comprehensive safeguards agreements (INFCIRC/540 (Corrected)), which was approved by the IAEA Board of Governors in May 1997. The safeguards-strengthening measures contained in the model Additional Protocol will provide IAEA with, *inter alia*, enhanced information about a State's nuclear activities and wider access to locations within a State. The Conference notes that implementation of the measures in the model Additional Protocol will provide increased confidence about the absence of undeclared nuclear material and activities in a State. The Conference urges all non-nuclear-weapon States Parties to conclude Additional Protocols as soon as possible and to bring them into force or provisionally apply them as soon as their respective national legislation allows. In this regard, the Conference welcomes the fact that, since May 1997, the IAEA Board of Governors has approved Additional Protocols to comprehensive safeguards agreements with 43 States and that 10 of those Additional Protocols are currently being implemented. The Conference urges States Parties that have concluded Additional Protocols to bring them into force or to apply them provisionally as soon as possible.

10. The Conference recognizes that the safeguards system based on INFCIRC/153 has been successful in its main focus of providing assurance regarding declared nuclear material and has also provided a level of assurance regarding undeclared nuclear material and activities. It further recognizes that the model Additional Protocol (INFCIRC/540 (Corrected)) provides the Agency with additional authority to carry out activities designed to provide increased assurance of the completeness and correctness of States' declarations. The Conference takes note, in particular, of the symbiotic relationship between the Additional Protocol and the safeguards agreement between IAEA and a State Party as set out in Article 1 of the model Additional Protocol. In this regard, it recalls the interpretation provided by the IAEA secretariat on 31 January 1997 and set out in GOV/2914 of 10 April 1997 that, once concluded, the two agreements had to be read and interpreted as one agreement. The Conference therefore urges all non-nuclear-weapon States Parties to conclude and bring into force Additional Protocols as soon as possible in conformity with Article III.1 of the Treaty.

11. The Conference notes the high priority that IAEA attaches, in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear-material verification activities with the new strengthening measures and looks forward to an expeditious conclusion of this work. It recognizes that the aim of these efforts is to optimize the combination of all safeguards measures available to the Agency in order to meet the Agency's safeguards objectives with maximum effectiveness and efficiency within available resources. Furthermore, the Conference notes that increased confidence in the absence of undeclared nuclear material and activities, notably related to enrichment and reprocessing, in a State as a whole could permit corresponding changes in the level of traditional verification effort on less-sensitive declared nuclear material in that State. The Conference notes the important work being undertaken by IAEA in the conceptualization and development of State-level integrated safeguards approaches, and encourages continuing work by the Agency in further developing and implementing these approaches on a high-priority basis.

12. The Conference recognizes that strengthening the effectiveness and improving the efficiency of the safeguards system with a view to providing credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities must be implemented rapidly and universally by all non-nuclear-weapon States Parties to the Treaty. The Conference also recognizes that the interests of nuclear non-proliferation will be effectively served by the inclusion of relevant IAEA safeguards-strengthening measures in item-specific safeguards agreements and in voluntary offer safeguards agreements with nuclear-weapon States Parties. Accordingly, the Conference welcomes the inclusion of such measures in the voluntary offer agreement of each of the nuclear-weapon States Parties and in the IAEA safeguards agreements with Cuba (GOV/1999/58).

13. The Conference considers that the strengthening of IAEA safeguards should not entail a decrease in the resources available for technical assistance and cooperation and that it should be compatible with the Agency's function of encouraging and assisting the development and practical application of atomic energy for peaceful uses and with adequate technology transfer.

NPT/CONF.2000/MC.II/WP.4

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

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New York, 24 April-19 May 2000

## Export controls

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference reaffirms that each State Party to the Treaty has undertaken not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by Article III of the Treaty.

2. The Conference urges all States Parties to ensure that their nuclear-related exports to non-nuclear-weapon States not party to the Treaty do not assist any nuclear-weapon programme. The Conference reiterates that each States Party should not transfer any nuclear-related items to any recipient whatsoever unless the transfer is in full conformity with the objectives and purposes of the Treaty as stipulated, particularly in Articles I, II, III and IV. The Conference reaffirms the sovereign right and obligation of each State Party in implementing its national export policy, consistent with Articles I, II, III and IV of the Treaty, not to transfer nuclear-related items to non-nuclear-weapon States, taking into account, *inter alia*, arrangements mutually agreed upon between the States Parties concerned, if such exports will contribute to the proliferation of nuclear weapons or other nuclear explosive devices. The Conference further reaffirms that nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

3. The Conference notes the complementary and important role of national export- and import-control mechanisms in giving effect to States Parties' obligations under Articles I, II and III not to contribute to the proliferation of nuclear weapons. The Conference recognizes that such controls are intended to provide an environment of confidence for international cooperation in the peaceful uses of nuclear energy.

4. The Conference recognizes that coordination of national policies to this end can contribute to the non-proliferation objectives of the Treaty and facilitate the fullest possible exchange of equipment, materials and scientific and technical information for the peaceful uses of nuclear energy, in accordance with Article IV.

5. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to coordinate their implementation of Article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended.

6. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices.

7. The Conference recommends that States Parties consider further ways to improve the measures to prevent the diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes, or nuclear-weapon capabilities.

8. The Conference notes that a number of States Parties also cooperate through guidelines for their nuclear-related exports, as set forth in IAEA document INFCIRC/254 as amended.

9. The Conference requests that the Zangger Committee and any other supplier arrangement should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States Parties, in conformity with Articles I, II, III and IV.

10. The Conference recognizes that there are items of equipment, technology and materials not identified in Article III, paragraph 2, of the Treaty that are relevant to the proliferation of nuclear weapons and therefore to the Treaty as a whole. Without prejudice to the existing principles guiding international cooperation in the peaceful uses of nuclear energy, especially Article IV of the Treaty, the Conference in this regard calls for consultations among States to ensure that their supply and export controls are appropriately coordinated.

11. The Conference recommends that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States Parties to the Treaty. In this regard, the Conference welcomes the two International Seminars on the Role of Export Controls in Nuclear Non-Proliferation organized by the Nuclear Suppliers Group, held in 1997 in Vienna and 1999 in New York. The Conference also welcomes other continuing efforts by nuclear suppliers to respond to the call by the 1995 Review and Extension Conference for the promotion of transparency in nuclear-export controls.

NPT/CONF.2000/MC.II/WP.5

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

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## Safeguards in nuclear-weapon States and States with unsafeguarded inventories

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference calls on nuclear-weapon States Parties to the Treaty to reaffirm their commitment not to transfer to any recipient whatsoever, nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices, directly or indirectly.

2. The Conference affirms the importance of commitments by nuclear-weapon States that nuclear supplies for peaceful purposes will not be used for nuclear weapons or other nuclear explosive devices. The Conference strongly believes that these supplies for peaceful purposes should be subject to the safeguards agreements concluded between the nuclear-weapon States and IAEA.

3. The Conference notes with appreciation that all nuclear-weapon States have now concluded additional protocols to their voluntary offer safeguards agreements. The Conference urges them to broaden the scope of those additional protocols so as to incorporate as many measures, capable of contributing to the non-proliferation and efficiency aims of the model Additional Protocol, as possible.

4. The Conference welcomes the announcement made by some nuclear-weapon States that they have ceased the production of fissile material for use in nuclear weapon or other nuclear explosive devices and urges those that have not done so to make a similar announcement. The Conference commends IAEA for making its experience in the verification of nuclear non-proliferation available to the Conference on Disarmament in connection with the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

5. The Conference underlines the importance of the conclusions of the Moscow Nuclear Safety and Security Summit of April 1996, and the initiatives stemming from it, including in relation to the safe and effective management of weapons fissile material designated as no longer required for defence purposes.

6. The Conference underlines the importance of international verification of the transfer to peaceful or non-proscribed military utilization of nuclear-weapon materials that have been withdrawn from weapons use. The Conference welcomes and supports recent unilateral offers and mutual initiatives to place excess material under IAEA safeguards and urges all nuclear-weapon States to submit for verification any nuclear materials and nuclear installations that may be transferred from military use to peaceful nuclear activities by submitting them to the IAEA safeguards system.

7. The Conference urges all States not yet parties to the Treaty, particularly those three which operate unsafeguarded nuclear facilities, to conclude without delay comprehensive safeguards agreements with IAEA and Additional Protocols consistent with the model contained in INFCIRC/540 (Corrected), and to become Parties to the Treaty without delay and without conditions.

NPT/CONF.2000/MC.II/WP.6

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

Original: English

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## Resources for safeguards

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference recognizes that IAEA safeguards are an integral part of the international regime for non-proliferation and play an indispensable role in ensuring the implementation of the Treaty. For this reason, it calls on all States Parties to give their full and continuing support to the IAEA safeguards system.

2. The Conference notes the financial constraints under which the IAEA safeguards system has to function and calls upon all States Parties to continue their political, technical and financial support of IAEA, in order to ensure that the Agency is able to meet its international legal obligations pursuant to, *inter alia*, safeguards agreements under the Treaty and relevant United Nations Security Council resolutions, and its increasing safeguards responsibilities.

3. *The Conference requests* IAEA *to continue to identify* the financial and human resources needed to meet effectively and efficiently all of its safeguards responsibilities. It strongly urges all States to ensure that the Agency's budget provides these resources through assured regular financing, and calls upon the member States of IAEA to use the opportunity offered by the impending review of the safeguards financing formula to agree on an equitable and stable formula which will fully fund the Agency's safeguards activities.

4. The Conference emphasizes the importance of continuing to secure IAEA staff of the highest standards of efficiency, technical competence and integrity, and of intensified efforts to increase accordingly the number of safeguards inspectors from developing countries and from those other member States which are unrepresented or under-represented.

NPT/CONF.2000/MC.II/WP.7

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

Original: English

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## Plutonium and highly enriched uranium management

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference recognizes the particular requirement for safeguards on unirradiated direct-use nuclear material, and notes the projections by the International Atomic Energy Agency (IAEA) that the use of separated plutonium for peaceful purposes is expected to increase over the next several years. The Conference also notes that many research reactors are discontinuing the use of highly enriched uranium fuel in favour of low-enriched uranium fuel as a result of the Reduced Enrichment for Research and Test Reactors (RERTR) Programme. The Conference expresses satisfaction at the considerable work undertaken to ensure the continuing effectiveness of IAEA safeguards in relation to reprocessing, to the storage of separated plutonium and to uranium enrichment.

2. The Conference welcomes the additional transparency on matters pertaining to the management of plutonium and highly enriched uranium resulting from the establishment, in 1997, of Guidelines for the Management of Plutonium (INFCIRC/549), laying down policies that several States, including the nuclear-weapon States, have decided to adopt. In this context, the Conference encourages all other States that separate, hold, process or use separated plutonium in their civil nuclear activities to adopt similar policies. Furthermore, the Conference encourages efforts aiming at the establishment of similar guidelines for the management of highly enriched uranium.

3. The Conference reaffirms that all plutonium and highly enriched uranium for civil purposes should be under IAEA safeguards. The Conference encourages States to examine long-term arrangements for the management of plutonium and highly enriched uranium, in order to avoid the stockpiling of material that could potentially be diverted to direct use for nuclear weapons or other nuclear explosive devices.

4. The Conference furthermore expresses satisfaction at the recent decision by the IAEA Board of Governors enabling the Agency to carry out, on a voluntary basis, certain monitoring tasks regarding the production and transfer of separated neptunium.

NPT/CONF.2000/MC.II/WP.8

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

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## Physical protection, illicit trafficking

### Working paper submitted to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference notes the paramount importance of effective physical protection of nuclear material, especially that usable for military purposes, and calls on all States to maintain the highest standards of security and physical protection of nuclear materials. The Conference notes the need for strengthened international cooperation in physical protection. In this regard, the Conference notes that 64 States have become party to the Convention on the Physical Protection of Nuclear Material. The Conference urges all States that have not yet done so to adhere to the Convention on the Physical Protection of Nuclear Material and other international instruments on the physical protection of nuclear material and nuclear facilities, at the earliest possible date. It welcomes the continuing informal discussions among experts, under the aegis of the International Atomic Energy Agency (IAEA), to discuss whether there is a need to revise the Convention. The Conference also notes that the recommendations contained in INFCIRC/225, on the physical protection of nuclear material and facilities have been revised and are currently set forth in INFCIRC/225/Rev.4 (Corrected).

2. The Conference expresses grave concern about the illicit trafficking of nuclear and other radioactive materials and urges all States to introduce and enforce appropriate measures and legislation to protect and ensure the security of such material. The Conference welcomes the activities in the fields of prevention, detection and response being undertaken by IAEA in support of efforts against illicit trafficking. The Conference acknowledges IAEA efforts to assist member States in strengthening their regulatory control on the applications of radioactive materials, including the Agency's registry of sealed sources. It also welcomes the IAEA activities undertaken to provide for the enhanced exchange of information among its member States, including the continued maintenance of the illicit trafficking database. The Conference recognizes the importance of enhancing cooperation and

coordination among States and among international organizations in preventing, detecting and responding to the illegal use of nuclear and other radioactive material.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

10 May 2000

Original: English

New York, 24 April-19 May 2000

## Implementation of the resolution of 1995 on the Middle East

### Working paper submitted to Main Committee II by Egypt

1. The outcome of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons consisted of a package of three decisions and one resolution:

- Decision on strengthening the review process of the Treaty;
- Decision on principles and objectives for nuclear non-proliferation and disarmament;
- Decision on the extension of the Treaty;
- Resolution on the Middle East.

2. The presence of an advanced unsafeguarded nuclear programme in the Middle East and the threat posed by such a programme to the security of the region had prompted Egypt and the States of the region to address this issue in several forums from an early date; beginning in the General Assembly of the United Nations in 1974 by calling for the establishment of a nuclear-weapon-free zone in the Middle East, and in the General Conference of the International Atomic Energy Agency (IAEA) by calling for the application of IAEA safeguards in the Middle East, as well as in successive review conferences.

3. Since 1974, the General Assembly has annually adopted resolutions calling for the establishment of a nuclear-weapon-free zone in the Middle East, and since 1979 has annually adopted resolutions addressing the risk of nuclear proliferation in the Middle East.

4. The resolution on the Middle East adopted by the 1995 Review and Extension Conference expressed the concern of the States parties about the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty, and called upon all States of the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards.

5. Furthermore, the resolution called upon all States in the Middle East to take practical steps towards the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical, biological, and their delivery systems, and called upon all the States parties to the Treaty, in particular the nuclear-weapon States, to extend their cooperation and exert their utmost efforts towards achieving that goal.

6. In 1995, only three States in the Middle East had still not acceded to the Treaty or concluded full-scope safeguard agreements with IAEA.

7. To date, Israel remains the only State in the Middle East that has not acceded to the Treaty or placed its nuclear facilities under full-scope IAEA safeguards.

8. The Preparatory Committee for the 2000 Review Conference conducted an extensive discussion on the resolution on the Middle East, its implementation, and ways of realizing its objectives. However, the Preparatory Committee was unable to reach agreement on any substantive recommendations to the 2000 Review Conference on the issues before it.

9. It remains for the nuclear-weapon States, and in particular the three Depositary States that sponsored the resolution, as well as for the States parties to the Treaty as a whole, to assess progress towards implementing that resolution since 1995 and recommend a course of action for the full realization of its objectives. This task should be entrusted to a subsidiary body established for this purpose.

10. Egypt believes that the States parties to the Treaty, in their consideration of the implementation of the resolution on the Middle East and recommendations for future action, should represent developments since 1995 in a factual and objective manner and contribute towards the realization of the immediate goals of the resolution, namely accession by all States of the region to the Treaty and their acceptance of full-scope IAEA safeguards on their nuclear facilities, without exception. In this respect the Conference should:

- Recognize that Israel is the only State in the Middle East that has not yet acceded to the Treaty or placed its nuclear facilities under full-scope IAEA safeguards, and call upon Israel to do so without delay.

11. The 2000 Review Conference should also consider appropriate interim steps of a practical nature that States in the Middle East, particularly Israel, should adopt pending the full realization of the goals of the resolution. Such steps could begin with the taking of specific nuclear confidence-building measures in the areas of fissile material production and accounting, nuclear safeguards and unilateral declarations.

12. Furthermore, the Conference should consider appropriate measures to encourage and monitor progress towards realizing the goals of the resolution between successive review conferences. The measures should include:

- A follow-up committee that would initiate contacts with Israel and report on progress to successive review conferences. The committee could be composed of the Chairman of each session of the Preparatory Committee and the three sponsors of the resolution;

- A special representative/envoy of the States parties to the Treaty to pursue discussions with Israel on its accession to the Treaty, and to report on progress to successive review conferences;

- Entrusting the three Depositary States with the task of pursuing discussions with Israel on behalf of the States parties to the Treaty and reporting on progress to the following review conference and its Preparatory Committee.

13. It is important to recall that, from the outset of the 1995 Review and Extension Conference, Egypt had clearly indicated that in the light of the lack of the universality of the Treaty at the regional level and its inability to guarantee the security of the States of the Middle East, it would not be in a position to support the indefinite extension of the Treaty on a consensus basis.

14. The decision on the extension of the Treaty stated that, since a majority existed among States parties to the Treaty for its indefinite extension, the Treaty would continue in force indefinitely. In this respect, the decision was very clear that the extension of the Treaty was not a consensus decision but rather a decision by the majority of the States parties to the Treaty.

15. For many delegations, including Egypt, the resolution of 1995 on the Middle East was instrumental in permitting the extension of the Treaty through the above formula, rather than through a voting process. This is an issue that should be made clear before the 2000 Review Conference.

16. It is imperative that a process be initiated for the follow-up and implementation of the 1995 resolution on the Middle East until its objectives are fully realized. Failure to do so will ultimately undermine the credibility of the non-proliferation regime and the Treaty on the Non-Proliferation of Nuclear Weapons.

NPT/CONF.2000/MC.II/WP.10*

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Portugal on behalf of the European Union

Regarding the first to seventh preambular paragraphs and articles I to IV and VII of the Treaty on the Non-Proliferation of Nuclear Weapons and the relevant provisions of the Principles and Objectives, the European Union proposes, on the basis of the framework established by the Treaty and the Principles and Objectives laid down at the 1995 Review and Extension Conference, the following elements as areas, among others, in which, and the means through which, further progress should be sought in future:

1. Development of nuclear-weapon-free zones and establishment of zones free of weapons of mass destruction on the basis of arrangements freely arrived at between the States in the region concerned.

2. Signature and ratification by the nuclear-weapon States of the relevant protocols of nuclear-weapon-free zones, recognizing that treaty-based security assurances are available to such zones.

3. Underlining the importance of concerned States taking steps to bring into effect the assurances provided by such treaties and their protocols.

4. Calling upon nuclear-weapon States, as agreed at the Moscow G7/P8 Summit on Nuclear Safety on 19 and 20 April 1996, to place fissile material designated as no longer required for defence purposes under appropriate international safeguards and physical protection.

5. Calling upon all non-nuclear-weapon States to conclude agreements with the International Atomic Energy Agency (IAEA) as soon as possible to meet the requirements of article III of the Treaty on the Non-Proliferation of Nuclear Weapons.

6. Reaffirming the provisions of the Principles and Objectives Decision of the Final Document (Part I) of the 1995 Review and Extension Conference regarding safeguards.

7. Further calling upon all States with safeguards agreements already in place to conclude and bring into force the Additional Protocols with IAEA as soon as

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* Reissued for technical reasons.

possible with a view to the early implementation of a strengthened safeguards system and its subsequent integration with existing safeguards measures.

8. Calling upon nuclear suppliers to continue the efforts of the Nuclear Suppliers Group and the Zangger Committee to enhance transparency and foster dialogue and cooperation among all interested parties.

9. Calling upon all States to take measures to ensure that exports of sensitive materials, equipment and technologies are subject to an appropriate system of surveillance and control, facilitating cooperative technological development by providing confidence to suppliers that goods, technology and materials will only be used for peaceful purposes.

NPT/CONF.2000/MC.II/WP.11

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1 May 2000
English
Original: Chinese and English

New York, 24 April-19 May 2000

## Working paper submitted to Main Committee II by China

The Chinese delegation hereby proposes the following text for consideration by Main Committee II and for inclusion in the report of the Committee and the final document of the review Conference:

### Non-proliferation of nuclear weapons

1. The States Parties firmly believe that it is necessary to establish a global security environment of stability, cooperation and mutual trust, so as to bring about the security of all members of the international community, thus removing the incentives of some countries to acquire, develop or retain nuclear weapons. This will be the basic guarantee for the prevention of the proliferation of nuclear weapons.

2. The States Parties request the abolition of the practice of double standards or multiple standards in the field of nuclear non-proliferation and believe that this is the most important prerequisite for the success of nuclear non-proliferation.

3. The States Parties urge the international community to enhance cooperation and dialogue in the field of non-proliferation issues, and to seek solutions to all concerns or issues of proliferation or non-proliferation strictly in accordance with the obligations, procedures and mechanisms, established by the relevant international legal instruments. The States Parties believe that this is the correct and most effective way to deal with the issue of nuclear-weapons proliferation.

### South Asia nuclear issue

The States Parties express grave concerns over the nuclear explosions conducted first by India then by Pakistan, and reaffirm that United Nations Security Council resolution 1172 (1998) established the correct principles and directions for the solution of the nuclear issue in South Asia. The authority and integrity of the resolution must be safeguarded. The two countries concerned should fully implement the resolution at an early date.

### The Middle East issue

The States Parties support the proposals made by the countries of the Middle East to establish a nuclear-weapon-free zone and a zone free of all weapons of mass destruction in the Middle East and the efforts they have made in this regard, urge the country in the region not yet party to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to it at an early date, and request all countries in the Middle East to accept the full-scope safeguards of the International Atomic Energy Agency (IAEA) without any exception.

### Safeguards

The States Parties emphasize that the IAEA safeguards system is an important pillar of the global regime for the non-proliferation of nuclear weapons. The States Parties fully support the IAEA 93 + 2 Protocol aimed at strengthening the effectiveness and improving the efficiency of the safeguards system, and urge all countries to conclude, ratify and implement the Protocol as soon as possible.

### Nuclear-weapon-free zones

The States Parties respect and support the efforts by the non-nuclear-weapon States to establish nuclear-weapon-free zones freely arrived at among the States concerned. The States Parties are in favour of the efforts to promote the establishment of a nuclear-weapon-free zone in the southern hemisphere and adjacent areas, and affirm that the principles on establishing nuclear-weapon-free zones adopted unanimously by the United Nations Disarmament Commission in 1999 remain valid and should be observed faithfully.

NPT/CONF.2000/MC.II/WP.12

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted to Main Committee II by Norway

1. **Proposed language:**

"While the International Atomic Energy Agency (IAEA) must strive to optimize its resources, the funding for safeguards activities should be made available in a sufficient and predictable manner."

**Rationale:**

The workload of IAEA has significantly increased over recent years and is likely to continue at a high level with an increasing need for safeguards and verification activities.

2. **Proposed language:**

"States Parties should consider making the voluntary recommendations for physical protection standards (INFCIRC/225/Rev.4) mandatory."

**Rationale:**

The IAEA recommendations for the protection of fissile materials (INFCIRC/225/Rev.4) have been newly revised, but the extent to which they are implemented varies widely at the national level.

3. **Proposed language:**

"States Parties should consider amending the Convention on the Physical Protection of Nuclear Material with a view to broadening its scope."

**Rationale:**

The Convention currently only applies to the protection of fissile material while in international transport. A broader application to nuclear material for peaceful uses while in use or storage within a country is desirable.

NPT/CONF.2000/MC.II/WP.13

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Mongolia

### Nuclear-weapon-free zones

Paragraph 6 of decision 2 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which dealt with "Principles and objectives for nuclear non-proliferation and disarmament", not only encouraged the "development of nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, as well as the establishment of zones free of all weapons of mass destruction, ... as a matter of priority, taking into account the specific characteristics of each region", but also welcomed the "establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000".

In 1992 Mongolia declared its territory a nuclear-weapon-free zone. That initiative was welcomed and supported by the international community as a measure promoting non-proliferation. Since then Mongolia took a number of measures to institutionalize its nuclear-weapon-free status. As a result of such measures, on 4 December 1998, the General Assembly adopted resolution 53/77 D, entitled "Mongolia's international security and nuclear-weapon-free status", in which it welcomed Mongolia's initiative and invited Member States, including the five nuclear-weapon States, to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen its international security and nuclear-weapon-free status. In the same resolution, the Assembly also requested the Secretary-General and relevant United Nations bodies to provide the necessary assistance to Mongolia in strengthening its international security and nuclear-weapon-free status.

In implementation of that resolution, the State Great Hural (Parliament) of Mongolia adopted, in February 2000, legislation on its nuclear-weapon-free status. That unilateral measure was welcomed and supported by the Movement of Non-Aligned Countries, at its Ministerial Conference in April 2000 in Cartagena de Indias, Colombia, as a concrete contribution to the international efforts to strengthen the non-proliferation regime. The legislation was also welcomed by the Secretary-General.

Adoption of legislation on its nuclear-weapon-free status is considered by Mongolia and its supporters as a step that should eventually lead to the institutionalization of its status at the international level, reflecting its unique geopolitical location. It is believed that, in order for the single State status to be more credible and effective, Mongolia's broader security questions should be appropriately addressed, as implied in General Assembly resolution 53/77 D.

Bearing the above in mind, Mongolia proposes the following provision to be included in the final document of the Review Conference:

> "The States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons welcomed and supported Mongolia's nuclear-weapon-free status and the recent adoption by the Mongolian parliament of legislation defining the status as a concrete step towards strengthening the global non-proliferation regime and a practical contribution to promoting political stability and predictability in the region. The status reflects Mongolia's unique location. Therefore, its single State status should be duly taken into account when providing it with the necessary security assurances."

NPT/CONF.2000/MC.II/WP.14

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

4 May 2000

Original: English

New York, 24 April-19 May 2000

## Safeguards and export controls

### Working paper submitted by the Islamic Republic of Iran

1. The International Atomic Energy Agency (IAEA) is the competent responsible body to verify compliance of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The States parties that have concerns regarding non-compliance with the Safeguards Agreements of the Treaty by other States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States parties under the provisions of the preamble and articles of the Treaty are fully protected and that no State party is limited in the exercise of these rights based on allegations of non-compliance which are not verified by IAEA.

2. The States parties recognize that effective transfer guidelines should be developed through multilateral negotiations, which could take place in IAEA, with the participation of all concerned States, suppliers and recipients. In the meantime they reaffirm that transparency in the proceedings and decision-making of the nuclear-related export control regimes should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty. The States parties therefore call upon countries members of the Nuclear Suppliers Group to take practical steps to fulfil this task.

3. The States parties note with concern that application of the unilaterally enforced export control regime has hampered access of the developing countries to nuclear materials, equipment and technology for peaceful purposes. They fully recognize the right of all States parties, particularly the developing countries, to enjoy unrestricted access to nuclear materials and equipment for peaceful purposes.

NPT/CONF.2000/MC.II/WP.15

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

5 May 2000

English
Original: Russian

New York, 24 April-19 May 2000

## Article VII

### Working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan

1. Since the holding of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the issue of the establishment of nuclear-weapon-free zones in various regions of the world on the basis of arrangements freely arrived at among the States concerned, has become firmly established on the international disarmament agenda. In the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" agreed on at the 1995 Review and Extension Conference, it was stated that the development of nuclear-weapon-free zones should be encouraged as a matter of priority. In the period since 1995, two new nuclear-weapon-free zones have been created, in South-East Asia and Africa. The treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are continuing to make a significant contribution to the establishment of the nuclear non-proliferation regime, which is an important step towards the attainment of the ultimate goal of eliminating all types of nuclear weapons under strict and effective international control. Following the entry into force of the Pelindaba Treaty upon accession of 114 States parties, nuclear-weapon-free zones will cover almost the entire southern hemisphere in addition to Antarctica, the seabed and outer space.

2. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are unanimous in their view that the establishment of nuclear-weapon-free zones in various regions of the world contributes significantly to nuclear disarmament. Recent events in the world have confirmed yet again the urgent need to strengthen the non-proliferation regime, as reflected in the work of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. They also demonstrate the importance of regional approaches to disarmament and non-proliferation, which can strengthen the global non-proliferation regime.

3. Proceeding from their common conviction that the establishment of nuclear-weapon-free zones contributes significantly to the maintenance and consolidation of peace and security at the global and regional levels, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan launched an initiative for the establishment of a nuclear-weapon-free

zone in the region of Central Asia, as reflected in the relevant provisions of the Almaty Declaration of 28 February 1997, the statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan and the Communiqué issued on 10 July 1998 by the Bishkek Consultative Meeting.

4. The Review Conference notes with satisfaction the adoption by consensus by the United Nations General Assembly of resolution 52/38 S, of 9 December 1997, and resolution 53/77 A, of 9 December 1998, both entitled "Establishment of a nuclear-weapon-free zone in Central Asia", in which the Assembly calls upon all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia, commends the first concrete steps taken by the States of the region in preparing the legal groundwork for their initiative and requests the Secretary-General to provide assistance to the Central Asian States in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia.

5. The 2000 Review Conference also welcomes the practical steps taken by the Central Asian States towards the implementation of their initiative. These steps have included the holding, on 15 and 16 September 1997, of the Tashkent International Conference on Central Asia as a Nuclear-Weapon-Free Zone, in which official delegations from the United Nations, the International Atomic Energy Agency (IAEA), the Organization for Security and Cooperation in Europe, the Organization of the Islamic Conference and 54 Member States, including the permanent members of the Security Council, took part, and also meetings of experts in Geneva, Bishkek, Tashkent and Sapporo. Experts from nuclear-weapon States, the United Nations and IAEA took part in the Bishkek meeting, which was held on 9 and 10 July 1998. As a result of these meetings, substantial progress was made in the preparation of a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia. The Central Asian States welcome the continuing assistance of the international organizations and States concerned in connection with the advancement of this process.

6. The 2000 Review Conference also refers to the report of Main Committee III of the 1995 Conference, which notes that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production and testing of nuclear weapons. The 2000 Review Conference reiterates the appeal of the 1995 Conference to all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas.

7. The 2000 Review Conference notes the substantial progress which has been made by the Central Asian States with the direct support of the United Nations, in particular the Secretary-General, the Department for Disarmament Affairs, the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, and IAEA in the process of drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia. The Central Asian States appeal to the 2000 Review Conference to reflect this progress in its Final Document.

8. The Central Asian States remain firmly committed to the continuation of the work to implement the initiative for the establishment of a nuclear-weapon-free zone in Central Asia and, in this connection, intend to make every effort to bring to a successful conclusion the process of drawing up an agreed text for a treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

NPT/CONF.2000/MC.II/WP.16

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

8 May 2000

Original: English

New York, 24 April-19 May 2000

## Nuclear-weapon-free zones

### Working paper submitted by Belarus

1. The present document is a reflection of the national position of Belarus. It is not the intention of Belarus to reopen debate on its initiative to establish a nuclear-weapon-free space in Central and Eastern Europe but rather to demonstrate its vision of advancing to a nuclear-weapon-free world.

2. Belarus is convinced that the establishment of a nuclear-weapon-free space in Central and Eastern Europe would make an important contribution to the strengthening of an international nuclear non-proliferation regime and to global efforts aimed at achieving the ultimate objectives of eliminating nuclear weapons and, more broadly speaking, of general and complete nuclear disarmament under strict and effective international control.

3. Belarus totally supports the objectives, purposes and principles of the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. Belarus will be guided in its activities by the recommendations contained in the 1999 text entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned",[1] which was adopted by consensus. The position of Belarus fully corresponds to the principles of that important text and could be described as follows:

(a) Belarus is a regional State and therefore has the right to propose the establishment of a nuclear-weapon-free space in its region (para. 42 of the above document);

(b) This initiative should be pursued by all the States of that region (para. 21);

(c) Belarus hopes that broad consultations on the objective of the establishment of a regional nuclear-weapon-free space could be arranged among the States of the region (para. 43);

(d) Belarus fully supports the principle that all of the States of the region concerned should participate in the negotiations on and the establishment of such a zone on the basis of the arrangements freely arrived at among the States of the region concerned (para. 23).

4. Belarus believes that the necessary prerequisites exist which could facilitate the establishment of a nuclear-weapon-free space in Central and Eastern Europe, including the de facto absence of nuclear weapons from the region, strict compliance by all of the States of the region with the obligations of the Non-Proliferation Treaty and strengthening of the nuclear non-proliferation regime in the region, by concluding additional protocols with the International Atomic Energy Agency, and others.

5. Belarus does not intend to suggest in the present document specific means and ways of creating such a space, because it is convinced of the necessity, first, to achieve, through broad consultations, consensus on the objective of a nuclear-weapon-free space in Central and Eastern Europe among the States of the region.

6. Belarus hopes that the establishment of a nuclear-weapon-free space in Central and Eastern Europe will significantly contribute to regional and global peace and security and invites the States of the region, nuclear-weapon States and other interested parties to open a broad dialogue on its initiative, which could be considered a starting point in promoting a nuclear-weapon-free and safe world.

*Notes*

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 42* (A/54/42), annex I.

NPT/CONF.2000/MC.II/SB.II/WP.1/Rev.2

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 May 2000

Original: English

New York, 24 April-19 May 2000

## Subsidiary Body II

### Report of the Chairman

Pursuant to the mandate recorded in NPT/CONF.2000/DEC.1, the Chair of the Subsidiary Body II submits the following report to the Chair of Main Committee II. Some elements of this report do not enjoy consensus. The Subsidiary Body nonetheless considers that the report provides a good basis for further consultations.

For purposes of these consultations, the attention of the Conference is drawn to the following documents:

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| NPT/CONF.2000/MC.II/SB.II/CRP.2 | Proposed language submitted by the members of the Movement of Non-Aligned Countries Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to Subsidiary Body II |
| NPT/CONF.2000/MC.II/SB.II/CRP.3 | Conference room paper submitted to Subsidiary Body II by Egypt |
| NPT/CONF.2000/MC.II/SB.II/CRP.5 | Conference room paper submitted to Subsidiary Body II by Tunisia on behalf of the Group of Arab States |
| NPT/CONF.2000/MC.II/SB.II/CRP.6 | Conference room paper submitted to Subsidiary Body II by the Islamic Republic of Iran |
| NPT/CONF.2000/MC.II/SB.II/CRP.7 | Conference room paper submitted to Subsidiary Body II by South Africa |
| NPT/CONF.2000/MC.II/SB.II/CRP.8 | Conference room paper submitted to Subsidiary Body II by the United States of America |

*With respect to the Middle East and implementation of the 1995 resolution on the Middle East*

1. The Conference reaffirms the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognizes that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the basis on which the Treaty was indefinitely extended without a vote in 1995.

2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

3. The Conference reaffirms the importance of the early realization of universal adherence to the Treaty. In this regard, the Conference welcomes all new accessions since the 1995 Review and Extension Conference.

4. The Conference notes that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference calls on Israel to accede to the Treaty and to place all its nuclear facilities under full-scope IAEA safeguards.

5. The Conference reaffirms the need for all States in the Middle East to accept forthwith the application of full-scope IAEA safeguards to all their nuclear activities, in accordance with article III of the Treaty, and as an important confidence-building measure among all States in the region and as an enhancement of peace and security in the context of the establishment of a nuclear-weapon-free zone. The Conference notes the concern raised in paragraph 56 of the report of Main Committee II, which indicates that, *inter alia*, nine States parties in the Middle East have yet to conclude comprehensive safeguards agreements with IAEA. The Conference urges those States to bring these agreements into force as soon as possible.

6. The Conference welcomes the additional protocol concluded by Jordan and urges its early entry into force. The Conference encourages all other States in the Middle East that have not yet done so to conclude and bring into force additional protocols as positive steps towards achieving universal application of the IAEA safeguards system. When fully in force, that system will constitute a major contribution towards the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction.

7. The Conference reiterates the call on all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective. In this regard, the Conference notes with satisfaction the adoption without a vote by the General Assembly, for the twentieth consecutive year, of a resolution proposing the establishment of a nuclear-weapon-free zone in the region of the Middle East.

8. The Conference encourages States in the Middle East to consider appropriate interim steps of a practical nature pending the full realization of the goals of the resolution on the Middle East. Such steps could begin with confidence-building measures with respect to fissile material production and accounting, nuclear safeguards and unilateral declarations.

9. To facilitate the early establishment of a Middle East zone free of weapons of mass destruction, the Conference encourages all States in the Middle East that have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty.

10. The Conference notes the unanimous adoption by the United Nations Disarmament Commission, at its 1999 session, of guidelines on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. The Conference notes that the Disarmament Commission's guidelines encouraged the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of zones free from all weapons of mass destruction.

11. The Conference reiterates the call on all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems. The Conference notes with satisfaction the statement by the five nuclear-weapon States reaffirming their commitment to the resolution on the Middle East adopted in 1995.

12. The Conference recognizes the need to monitor the implementation of the 1995 resolution on the Middle East on an ongoing basis. In this regard, the Conference agrees that specific time should be made available at Preparatory Committee meetings and Review Conferences for that purpose.

13. The Conference remains convinced that compliance by all parties with all the provisions of the Treaty is a prerequisite to preventing the spread of nuclear weapons and other nuclear explosive devices.

14. The Conference notes the statement of the representative of IAEA of 9 May 2000, provided during its deliberations, that the Agency is unable "to provide assurance that Iraq is in full compliance with its safeguards obligations, that is to say that there is no diversion of declared nuclear material and no presence of undeclared nuclear material". The Conference further notes that, in his letter of 10 April 2000 to the President of the Security Council (S/2000/300), the Director General of IAEA stated that the Agency is "unable to provide any measure of assurance with regard to Iraq's compliance with its obligations under the relevant Security Council resolutions". The Conference calls on Iraq to comply fully with its obligations under its IAEA safeguards agreement and its obligations under Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1284 (1994).

*With respect to South Asia and other regional issues:*

15. The Conference emphasizes that nuclear disarmament and nuclear non-proliferation are mutually reinforcing.

16. The Conference notes that the nuclear explosions carried out by India and then by Pakistan in May 1998 were a cause of deep international concern and calls upon both countries to take all of the measures set out in Security Council resolution 1172

(1998). In accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, notwithstanding their nuclear tests, India and Pakistan do not have the status of nuclear-weapon States.

17. The Conference calls on India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and urges both States to place all their nuclear facilities under comprehensive Agency safeguards. The Conference further calls on both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

18. The Conference notes that India and Pakistan have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference calls on both States to sign the Treaty, in accordance with their pledges to do so.

19. The Conference expresses satisfaction at the willingness expressed by India and Pakistan to participate in the negotiations in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, the Conference calls on both countries to observe a moratorium on the production of such material. The Conference appeals to them to join other countries in actively seeking an early commencement of negotiations on this issue, in a positive spirit and on the basis of the agreed mandate, with a view to reaching early agreement.

20. The Conference notes with concern that, while the Democratic People's Republic of Korea remains a Party to the Non-Proliferation Treaty, IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea and is therefore unable to conclude that there has been no diversion of nuclear material in the Democratic People's Republic of Korea. The Conference looks forward to the fulfilment by the Democratic People's Republic of Korea of its stated intention to come into full compliance with its safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of action by the Democratic People's Republic of Korea to preserve and make available to IAEA all information needed to verify its initial inventory.

NPT/CONF.2000/MC.III/1/Rev.1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2000

Original: English

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New York, 24 April-19 May 2000

## Report of Main Committee III

### Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the Conference established Main Committee III as one of its three Main Committees and decided to allocate to it the following items for its consideration (see NPT/CONF.2000/1):

**Item 16**. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference to the Treaty on the Non-Proliferation of Nuclear Weapons:

- (d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
  - (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
  - (ii) Article V.

**Item 17**. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at promoting wider acceptance of the Treaty.

### Officers of the Committee

2. The Conference elected Mr. Markku Reimaa (Finland) as the Chairman of the Committee; Mr. Igor Dzundev (The former Yugoslav Republic of Macedonia) and Mr. Hamid Baedi Nejad (Islamic Republic of Iran) served as Vice-Chairmen.

## Documents before the Committee

3. The Committee had before it the following documents:

### (a) Background and conference documents

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|---|---|
| NPT/CONF.2000/9 | Activities of the International Atomic Energy Agency (IAEA) relevant to article III of the Treaty on the Non-Proliferation of Nuclear Weapons: background paper prepared by the secretariat of IAEA |
| NPT/CONF.2000/10 | Activities of IAEA relevant to article IV of the Treaty on the Non-Proliferation of Nuclear Weapons: background paper prepared by the secretariat of IAEA |
| NPT/CONF.2000/11 | Activities of IAEA relevant to article V of the Treaty on the Non-Proliferation of Nuclear Weapons: background paper prepared by the secretariat of IAEA |
| NPT/CONF.2000/17 | Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee |
| NPT/CONF.2000/18 | Letter dated 20 April 2000 from the Permanent Representative of Indonesia addressed to the Provisional Secretary-General of the Review Conference |
| NPT/CONF.2000/19 | Note verbale dated 25 April 2000 from the Permanent Mission of Portugal to the United Nations addressed to the secretariat of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/21 | Letter dated 1 May 2000 from the representatives of France, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the |

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|---|---|
| | 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/WP.1 | Working paper submitted by Japan and Australia |
| NPT/CONF.2000/WP.3 | Letter dated 24 April 2000 from the Minister for Foreign Affairs of Mexico addressed to the Secretary-General of the Review Conference |

### (b) Documents submitted to the Committee

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|---|---|
| NPT/CONF.2000/MC.III/WP.1 | Working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| NPT/CONF.2000/MC.III/WP.2 | Working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden |
| NPT/CONF.2000/MC.III/WP.3 | Working paper submitted by China |
| NPT/CONF.2000/MC.III/WP.4 | Working paper submitted by South Africa |
| NPT/CONF.2000/MC.III/WP.5 | Working paper submitted by Egypt |
| NPT/CONF.2000/MC.III/WP.6 | Working paper submitted by Mexico |
| NPT/CONF.2000/MC.III/WP.7 | Working paper submitted by Australia, Austria, the Netherlands, Lithuania and Luxembourg |
| NPT/CONF.2000/MC.III/WP.8 | Working paper submitted by Portugal on behalf of the European Union |
| NPT/CONF.2000/MC.III/WP.9 | Working paper submitted by the Russian Federation |
| NPT/CONF.2000/MC.III/WP.10 | Working paper submitted by the Islamic Republic of Iran |
| NPT/CONF.2000/MC.III/WP.11 | Working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan |
| NPT/CONF.2000/MC.III/WP.12 | Working paper submitted by Egypt |
| NPT/CONF.2000/MC.III/CRP.1 and Rev.1 | Chairman's suggested indicative timetable of work for Main Committee III |
| NPT/CONF.2000/MC.III/CRP.2 | Chairman's proposal for a possible structure of discussion |
| NPT/CONF.2000/MC.III/CRP.3 and Add.1 | The IAEA's technology transfer activities in respect of technical cooperation |

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| NPT/CONF.2000/MC.III/CRP.4 | Proposal by New Zealand, Fiji, Ireland, Turkey, Nauru, Solomon Islands and the Federated States of Micronesia |
| NPT/CONF.2000/MC.III/CRP.5 | Proposal by Germany |
| NPT/CONF.2000/MC.III/CRP.6 | Proposal by Germany |
| NPT/CONF.2000/MC.III/CRP.7 | Proposal by China, Indonesia, the Islamic Republic of Iran, Malaysia, Myanmar, Peru, the Syrian Arab Republic and Thailand |
| NPT/CONF.2000/MC.III/CRP.8 | Proposal by the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/MC.III/CRP.9 | Proposal by the States parties, members of the Caribbean Community: Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago |
| NPT/CONF.2000/MC.III/CRP.10 | Paper submitted by Australia: Australia's Commitment to the Treaty on the Non-Proliferation of Nuclear Weapons |
| NPT/CONF.2000/MC.III/CRP.11 | Proposal by the Russian Federation |
| NPT/CONF.2000/MC.III/CRP.12 | Proposal by Japan |
| NPT/CONF.2000/MC.III/CRP.13 | Proposal by Japan |
| NPT/CONF.2000/MC.III/CRP.14 | Proposal by Belarus, the Russian Federation and Ukraine |
| NPT/CONF.2000/MC.III/CRP.15, Rev.1 and Rev.2 | Draft report of Main Committee III |

## Work of the Committee

4. The Committee held four plenary meetings, from 27 April to 11 May 2000. An account of the discussion is contained in the relevant summary records (NPT/CONF.2000/MC.III/SR.1-4). At its first three meetings, it held a general exchange of views on all issues of concern to Main Committee III. At its second meeting, a presentation was made by Paulo Barretto, Department of Technical Cooperation of IAEA, on IAEA technology transfer activities. Subsequently, the Committee held nine informal open-ended meetings for the presentation and detailed consideration of those proposals and documents submitted to it on formulations for the Final Declaration of the Conference. The Chairman put forward draft language for the Final Declaration, which was considered in the open-ended meetings. The fourth meeting was devoted to the consideration and adoption of its report to the Conference.

### Conclusions and recommendations

5. At its final meeting, the Committee agreed to transmit to the Conference the following formulations for the Final Declaration of the Conference:

## I. Treaty on the Non-Proliferation of Nuclear Weapons and the Peaceful Uses of Nuclear Energy

1. The Conference affirms that the Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place.

2. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

3. The Conference also reaffirms the undertaking by all parties to the Treaty to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information for the peaceful uses of nuclear energy among States parties to the Treaty. The Conference notes the contribution that such uses can make to progress in general and to help to overcome the technological and economic disparities between developed and developing countries.

4. The Conference urges that in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment be given to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account.

5. Referring to paragraphs 14 to 20 of the decision on Principles and Objectives of 1995, the Conference reasserts the need to continue to enhance the peaceful uses of nuclear energy by all States parties and cooperation among them.

6. The Conference underlines the role of IAEA in assisting developing countries in the peaceful use of nuclear energy through the development of effective programmes aimed at improving their scientific, technological, and regulatory capabilities. In this context, the Conference takes note of the medium-term strategy of IAEA.

7. The Conference affirms that every effort should be made to ensure that IAEA has the financial and human resources necessary to

effectively meet its responsibilities as foreseen in article III.A of the statute of IAEA.

8. The Conference recognizes the importance of the concept of sustainable development as a guiding principle for the peaceful use of nuclear energy. The Conference endorses the role of IAEA in assisting member States, upon request, in formulating projects that meet the objective of protecting the global environment by applying sustainable development approaches. The Conference recommends that IAEA continue taking this objective into account when planning its future activities. It further notes that IAEA regularly reports to the General Assembly on progress made in these fields.

9. The Conference recognizes the importance of safety and non-proliferation features, as well as aspects related to radioactive waste management being addressed in nuclear power development as well as other nuclear activities related to the nuclear fuel cycle at the technological level. The Conference recalls the role of IAEA in the assessment of prospective nuclear power technologies in this respect.

10. The Conference commends IAEA for its efforts to enhance the effectiveness and efficiency of its technical cooperation programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient member States. In this context, the Conference welcomes the new strategy for technical cooperation, which seeks to promote socio-economic impact within its core competencies by integrating its assistance into the national development programme of each country with a view to ensure sustainability through expanding partnerships in development, model project standards and the use of country programme frameworks and thematic plans. The Conference recommends that IAEA continue taking this objective and the needs of developing countries, notably least developed countries, into account when planning its future activities.

11. The Conference acknowledges the need for the parties to the Treaty to discuss regularly and take specific steps towards the implementation of article IV of the Treaty.

## II. Nuclear and radiation safety, safe transport of radioactive materials, radioactive waste and liability

### A. Nuclear and radiation safety

1. The Conference affirms that the Treaty on the Non-Proliferation of Nuclear Weapons can help to ensure that international cooperation in nuclear and radiation safety will take place within an appropriate non-proliferation framework. The Conference acknowledges the primary responsibility of individual States for maintaining the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an adequate

national technical, human and regulatory infrastructure in nuclear safety, radiological protection and radioactive waste management.

2. The Conference notes that a demonstrated global record of safety is a key element for the peaceful uses of nuclear energy and that continuous efforts are required to ensure that the technical and human requirements of safety are maintained at the optimal level. Although safety is a national responsibility, international cooperation on all safety-related matters is indispensable. The Conference encourages the efforts of IAEA in the promotion of safety in all its aspects, and encourages all States parties to take the appropriate national, regional and international steps to enhance and foster a safety culture. The Conference welcomes and underlines the intensification of national measures and international cooperation to strengthen nuclear safety, radiation protection, the safe transport of radioactive materials and radioactive waste management, including activities conducted in this area by IAEA. In this regard, the Conference recalls that special efforts should be made and sustained to increase the awareness in these fields, through appropriate training.

3. The Conference welcomes the activities of IAEA directed towards the strengthening of nuclear safety in operating power and research reactors. The Conference further endorses the work of IAEA in the organization of international peer review services, the support to the regulatory bodies and other relevant areas of the infrastructure of member States through the technical cooperation programme, the safety standards advisory commissions and committees in the preparation of internationally recognized safety standards, the emergency response unit and the continuing work on transport safety matters.

4. The Conference welcomes the entry into force of the Convention on Nuclear Safety, and encourages all States, in particular those operating, constructing or planning nuclear power reactors that have not yet taken the necessary steps to become party to the Convention, to do so. It would also welcome a voluntary application of the related provisions of the Convention to other relevant nuclear installations dedicated to the peaceful uses of nuclear energy. The Conference also expresses its satisfaction with the outcome of the first review meeting under the Convention on Nuclear Safety and looks forward to the report from the next review meeting, in particular with respect to those areas where the first review meeting found that there was room for safety improvements.

5. The Conference encourages all States that have not yet done so to become parties to the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the Convention on Physical Protection of Nuclear Material.

6. The Conference notes the bilateral and multilateral activities that have enhanced the capabilities of the international community to study, minimize and mitigate the consequences of the accident at the Chernobyl nuclear power plant in support of the actions taken by the Governments concerned.

7. The Conference considers that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety, have dangerous political, economic and environmental implications and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

8. The Conference notes the importance of openness, transparency and public information concerning the safety of nuclear facilities.

## B. Safe transport of radioactive materials

9. The Conference endorses the IAEA regulations for the safe transport of radioactive materials and urges States to ensure that these standards are maintained. The Conference notes the decision in 1997 by the International Maritime Organization (IMO) to incorporate the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Wastes in Flasks on Board Ships (INF Code) into the International Convention for the Safety of Life at Sea.

10. The Conference underlines the importance of effective national and international regulations and standards for the protection of States concerned, from the risks of transportation of radioactive materials. The Conference affirms that it is in the interests of all States that any transportation of radioactive materials be conducted in compliance with the relevant international standards of nuclear safety and security and environmental protection, without prejudice to the freedoms, rights and obligations of navigation provided for in international law. The Conference takes note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea.

11. Recalling resolution GC(43)/Res/11 of the General Conference of IAEA, adopted by consensus in 1999, the Conference invites States shipping radioactive materials to provide, as appropriate, assurances to concerned States, upon their request, that the national regulations of the shipping State take IAEA transport regulations into account and to provide them with relevant information relating to shipments of such materials. The information provided should in no case be contradictory to the measures of physical security and safety.

12. The Conference notes that States parties have been working bilaterally and through international organizations to improve cooperation and exchange of information among the States concerned. In this context, the Conference calls on States parties to continue working bilaterally and through the relevant international organizations to examine and further improve measures and international regulations relevant to international maritime transportation of radioactive material and spent fuel.

### C. Spent fuel and radioactive waste

13. The Conference notes that a major issue in the debate over the use of nuclear technologies is the safety of the management of spent fuel and of radioactive waste. The Conference notes the conclusion of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and encourages States that have not yet taken the necessary steps to become party to the Convention, to do so. The Conference expresses the hope that this Convention will enter into force at the earliest date possible. The Conference underlines the importance of managing spent fuel and radioactive wastes that were excluded from this Convention because they are within military or defence programmes in accordance with the objectives stated in this Convention.

14. The Conference commends the efforts of IAEA in radioactive waste management, and calls upon the Agency, in view of the increasing importance of all aspects of radioactive waste management, to strengthen its efforts in this field as resources permit. The Conference recognizes the activities of IAEA in the search for new approaches on radioactive waste management solutions that are both safe and publicly acceptable. It endorses IAEA programmes to assist member States in spent fuel and radioactive waste management through, *inter alia*, safety standards, peer reviews and technical cooperation activities.

15. The Conference also notes that the contracting parties to the Convention on the Prevention of Maritime Pollution by Dumping of Wastes and Other Matter (London Convention) have urged all States that have not done so, to accept the 1993 amendment of annex I of the London Convention, which prohibits contracting parties from dumping radioactive wastes or other radioactive matter at sea.

### D. Liability

16. The Conference notes the adoption of the 1997 Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage. The Conference also notes the existence of various national and international liability mechanisms. Furthermore, the Conference stresses the importance of having effective liability mechanisms in place.

## III. Technical cooperation

1. The Conference reaffirms the undertaking of those parties to the Treaty in a position to do so to cooperate in contributing alone, or together with other States or international organizations, to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the

Treaty, with due consideration for the needs of the developing areas of the world.

2. The Conference recognizes the benefits of the peaceful applications of nuclear energy and nuclear techniques in the fields referred to in articles II and III of the Statute of IAEA and their contribution to achieving sustainable development in developing countries and for generally improving the well-being and the quality of life of the peoples of the world.

3. The Conference acknowledges the importance of the work of IAEA as the principal agent for technology transfer among the international organizations referred to in article IV, paragraph 2, of the Treaty, and affirms the importance of the technical cooperation activities of IAEA, as well as bilateral and other multilateral cooperation, in fulfilling the obligations set forth in Article IV of the Treaty.

4. The Conference recognizes that voluntary resources provided to and received from States parties to the Treaty under the IAEA Technical Cooperation Fund represent the most important contribution to the implementation of its technical cooperation programme, the major instrument for its cooperation with developing countries. The Conference expresses its appreciation to all IAEA member States party to the Treaty, which respect their commitments to the Technical Cooperation Fund by pledging and paying in full their contributions.

5. The Conference notes, however, that there has been a growing gap between the approved target figures for the Technical Cooperation Fund and the actual payments.

6. The Conference stresses that every effort should be made to ensure that IAEA's financial and human resources necessary for technical cooperation activities are assured, predictable and sufficient to meet the objectives mandated in article IV, paragraph 2, of the Treaty and article II of the IAEA statute. The Conference notes Resolutions GC(43)/RES/6 and GC(43)/RES/14 of the General Conference of IAEA and urges States members of IAEA to make every effort to pay in full and on time their voluntary contributions to the Technical Cooperation Fund and reminds them of their obligation to pay their assessed programme costs. It also encourages IAEA to continue to manage its technical cooperation activities in an effective and cost-efficient manner and in accordance with article III.C of the IAEA statute.

7. The Conference notes the consultation among States members of IAEA on the target for the Technical Cooperation Fund for the coming years and encourages member States to reach agreement on the indicative planning figures (IPFs).

8. The Conference notes that the special needs and priorities of the least developed countries parties to the Treaty should be taken into account in bilateral and multilateral nuclear technical assistance and cooperation programmes. The Conference recommends that IAEA continue, through its technical cooperation programme, to give special attention to the needs and priorities of least developed countries.

9. The Conference recognizes that regional cooperative arrangements for the promotion of the peaceful uses of nuclear energy can be an effective means of providing assistance and facilitating technology transfer, complementing the technical cooperation activities of IAEA in individual countries. It notes the contributions of the African Regional Cooperative Agreement for Research, Development and Training (AFRA), the Regional Cooperative Agreements for the Promotion of Nuclear Science and Technology in Latin America (ARCAL), the Regional Cooperative Agreement for Asia and the Pacific (RCA), as well as the regional technical cooperation programme in Central and Eastern Europe.

10. The Conference notes the significant level of bilateral cooperation between States parties in the worldwide peaceful uses of nuclear energy and welcomes the reports thereon. The Conference recognizes that it is the responsibility of States parties to create the conditions to enable this cooperation, in which commercial entities play an important role in a manner that conforms with the obligations of the States parties under articles I and II of the Treaty. The Conference urges States in a position to do so to continue and, where possible, to increase their cooperation in this field, particularly to developing countries and parties to the Treaty with economies in transition.

11. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes. Transfers of nuclear technology and international cooperation in conformity with articles I, II and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

12. The Conference recommends that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States parties to the Treaty.

## IV. Conversion of nuclear materials to peaceful uses

1. The Conference notes steps taken by nuclear-weapon States to reduce their nuclear weapons arsenals and underlines the importance of international verification, as soon as practicable, of nuclear weapons material designated by each nuclear-weapon State as no longer required for military programmes and that has been irreversibly transferred to peaceful purposes. This process requires strict procedures for the safe handling, storage and disposal of sensitive nuclear materials, as well as the safe management of radioactive contaminants in strict compliance with highest possible standards of environmental protection and nuclear and radiation safety.

2. The Conference takes note of the declaration of the Moscow Nuclear Safety and Security Summit of April 1996, including the measures in relation to the safe and effective management of weapons

fissile material designated as no longer required for defence purposes, and the initiatives stemming therefrom.

3. The Conference also notes that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production of nuclear weapons.

4. The Conference calls upon all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants to consider giving appropriate assistance, as may be requested, for radiological assessment and remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

## V. Review of article V

The Conference affirms that the provisions of article V of the Treaty as regards the peaceful applications of any nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

## VI. Review of article IX

1. The Conference reaffirms the long-held commitment of parties to the Treaty to universal membership and notes that this goal has been advanced by the accession to the Treaty of several new States since the 1995 Review and Extension Conference, thereby bringing its membership to 187 States parties. The Conference reaffirms the importance of the Treaty in establishing a norm of international behaviour in the nuclear field.

2. The Conference therefore calls on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards on all their nuclear activities. These States are Cuba, India, Israel and Pakistan. In this context, the Conference welcomes the signature by Cuba of the protocol additional to its safeguards agreements with IAEA.

3. The Conference particularly urges those non-parties to the Treaty that operate unsafeguarded nuclear facilities — India, Israel and Pakistan — to take similar action, and affirms the important contribution this would make to regional and global security.

4. The Conference also takes note that the widening of the entry into force of protocols additional to safeguards agreements with IAEA will strengthen the nuclear safeguards regime and facilitate the exchange of nuclear and nuclear-related material in peaceful nuclear cooperation.

5. In this connection, the Conference underlines the necessity of universal adherence to the Treaty and of strict compliance by all existing parties with their obligations under the Treaty.

6. The Conference requests the President of the Conference to formally convey the views of States parties on this issue to all non-parties and to report their responses to the parties. Such efforts should contribute to enhancing the universality of the Treaty and the adherence of non-parties to it.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 April 2000

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## Nuclear safety and waste management

### Working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

#### Nuclear safety

1. The Conference notes that a demonstrated global record of safety in all activities throughout the nuclear fuel cycle is a key element for the peaceful uses of nuclear energy and that continuous efforts are required to ensure that the technical and human requirements of safety culture are maintained at the optimal level. Although safety is a national responsibility, international cooperation on all safety-related matters is indispensable.

2. The Conference affirms that the Treaty on the Non-Proliferation of Nuclear Weapons can help to ensure that international cooperation in nuclear safety will take place within an appropriate non-proliferation framework. The Conference acknowledges the primary responsibility of individual States for the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear safety, radiological protection and waste management for the peaceful application of nuclear energy.

3. The Conference further endorses the activities of the International Atomic Energy Agency (IAEA) directed towards the strengthening of nuclear safety in operating power and research reactors. Specific activities include the international peer review services, such as the Engineering Safety Review Services (ESRS), the Operational Safety Review Team (OSART), the International Probabilistic Safety Assessments Review Team (IPSART), the International Regulatory Review Team (IRRT) and the Integrated Safety Assessment of Research Reactors (INSARR), the work of the IAEA safety standards advisory commission and committees in the preparation of internationally recognized guidelines and codes, the support to the regulatory bodies and other relevant areas of the infrastructure of Member States through technical assistance programmes, the emergency response unit and the continuing work on transport safety matters.

4. The Conference welcomes the intensification of international cooperation in order to strengthen nuclear safety and radiological protection, mainly under the auspices of IAEA.

5. The Conference welcomes and endorses the Convention on Nuclear Safety, and urges all States, particularly those operating, constructing or planning nuclear power reactors, which have not yet taken the necessary steps to become party to the Convention, to do so. It would also welcome a voluntary extension of the Convention to areas beyond operating power plants. The Conference also expresses its satisfaction with the outcome of the first review meeting under the Convention on Nuclear Safety, and looks forward to the report from the next review meeting, particularly with respect to those areas where the first review meeting found that there was room for safety improvements.

6. The Conference affirms that it is in the interests of all States that the maritime transportation of radioactive materials be conducted in compliance with international standards of safety, security and environmental protection. The Conference calls on those directly engaged in the maritime transportation of such radioactive materials to continue to provide relevant information, consistent with physical security and safety requirements, to potentially affected States. The Conference welcomes the November 1997 decision by the International Maritime Organization (IMO) to incorporate the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (INF Code) into the International Convention for the Safety of Life at Sea.

7. The Conference urges all States that have not yet done so to take the necessary steps to become party to the Convention on Early Notification of a Nuclear Accident and to the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

### Spent fuel and radioactive waste

8. The Conference notes that a major issue in the debate over the use of nuclear technologies is the safety of the management of spent fuel and of radioactive waste. The Conference notes the conclusion of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and encourages States that have not yet taken the necessary steps to become party to the Convention, to do so. The Conference underlines the importance of applying the standards established by the Joint Convention to the management and storage of spent fuel and radioactive waste from military as well as civilian activities.

9. The Conference commends the efforts of IAEA in waste management, and calls upon IAEA, in view of the increasing importance of all aspects of nuclear waste management, to strengthen its efforts in this field. It endorses the IAEA programmes to assist Member States in this area through, *inter alia*, safety standards for the handling of radioactive waste, peer reviews and technical assistance activities, for example the Waste Management Assessment and Technical Review Programme (WATRP).

### Liability

10. The Conference notes the adoption of the 1997 Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage. The Conference further notes that the parties to those instruments have urged all States that have not done so to take the necessary steps also to accede to those instruments. The Conference notes that effective international liability mechanisms are essential to provide compensation for any nuclear-related damage that may occur during the transportation of irradiated nuclear fuel, plutonium and high-level nuclear waste.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Cooperation in the peaceful uses of nuclear energy

### Working paper submitted by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference affirms that the Treaty on the Non-Proliferation of Nuclear Weapons fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence within which those uses can take place.

2. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the States Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy, or its fuel-cycle policies.

3. The Conference also reaffirms the undertaking by all Parties to the Treaty to facilitate, and to have the right to participate in, the fullest possible exchange of equipment, material, services and scientific and technological information for the peaceful uses of nuclear energy. The Conference notes the contribution that such uses can make to progress in general and to the elimination of technological and economic gaps between developed and developing countries.

4. The Conference urges that in all activities designed to facilitate the peaceful uses of nuclear energy, preferential treatment be given to the non-nuclear-weapon States Parties to the Treaty that have concluded and implemented the required safeguards agreements with the International Atomic Energy Agency (IAEA).

5. The Conference underlines the role of IAEA in assisting developing countries in the peaceful use of nuclear energy through the development of effective programmes aimed at improving their scientific, technological and regulatory capabilities.

6. The Conference commends the IAEA secretariat for its efforts to enhance the effectiveness and efficiency of the Agency's technical cooperation programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient Member States. In this context, the Conference welcomes the new strategy for technical cooperation, which seeks to promote socio-economic impact by contributing to major sustainable development priorities of each country, through model project standards and expanded use of country programme frameworks and thematic plans. The Conference recommends that IAEA continue taking this objective and the needs of developing countries, notably least developed countries, into account when planning its future activities.

7. The Conference stresses the importance of the resources of IAEA for technical cooperation activities being assured, predictable and sufficient to meet objectives mandated in article IV, paragraph 2 of the Treaty and article II of the IAEA statute, and urges Member States to make every effort to pay in full and on time their contributions to the Technical Cooperation Fund.

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2000

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## Peaceful uses of nuclear energy

### Working paper submitted by China

1. The States Parties recognize the important role of the technical cooperation fund of the International Atomic Energy Agency (IAEA) in fulfilling obligations set forth in article IV of the Treaty.

2. The States Parties emphasize that every effort should be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation.

3. The States Parties express their concern at the decrease in pledges and contributions to the technical cooperation fund and urge the States Parties that are also IAEA members to make full and timely payments to the technical cooperation fund.

NPT/CONF.2000/MC.III/WP.4

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Peaceful uses of nuclear energy

### Working paper submitted by South Africa

## I. Introduction

1. In paragraph 7 of decision 1 adopted by the 1995 Review and Extension Conference, on strengthening the review process for the Treaty, the Conference tasked future review conferences to look forward as well as back, to evaluate the results of the period they were reviewing, including the implementation of undertakings of the States parties under the Treaty, and to identify the areas in which, and the means through which, progress should be sought in the future.[1]

2. Paragraphs 14-20 of decision 2, on principles and objectives for nuclear non-proliferation and disarmament, address the peaceful uses of nuclear energy. Several of those paragraphs deal with issues that have already been addressed in the intervening period, and others deal with issues where the wording can be strengthened.[2]

## II. Proposals for forward-looking language on the safeguards issue

3. The content of paragraphs 14, 15 and 16 of decision 2 is of continuing importance as a restatement of article IV of the Treaty in any outcome/product of the 2000 Review Conference. The content of paragraph 20 should also be taken up in any outcome/product of the 2000 Review Conference.

4. The language proposed for paragraph 17 is as follows:

> Transparency in nuclear-related export controls should be maintained and enhanced within the framework of dialogue and cooperation among all interested States party to the Treaty.[3]

5. The language proposed for paragraph 18 is as follows:

> All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear and radiation safety, including safety in waste management, and implement international

standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials. Special efforts should be made and sustained in increasing awareness in these fields through appropriate training.[4]

6. The language proposed for paragraph 19 is as follows:

> Every effort should be made to ensure that the International Atomic Energy Agency has the financial and human resources necessary to meet effectively the increasing responsibilities and needs and new roles relating to its statutory obligations. In particular, the Secretariat and the members of the Agency should be encouraged to intensify efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.[5]

*Notes*

[1] NPT/CONF.1995/32 (Part I).

[2] Ibid.

[3] Since 1995 the Zangger Committee and Nuclear Suppliers Group have made efforts to increase transparency through information published, seminars held etc. This should be recognized in para. 17.

[4] IAEA is increasingly focusing on the implementation of safety standards and guidelines, whereas the focus at an earlier stage was on the establishment/creation of those standards and guidelines. recent nuclear accidents have underlined the importance of promoting awareness of the dangers which may be associated with work in the nuclear area through appropriate training.

[5] In 1995 emphasis was placed on the statutory responsibility of IAEA and the responsibility of the secretariat as well as the member States of IAEA to solve the issues with respect to financing. The increasing activities and new roles of IAEA should also be emphasized in this regard.

NPT/CONF.2000/MC.III/WP.5

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Peaceful uses of nuclear energy: the Treaty on the Non-Proliferation of Nuclear Weapons and the role of the International Atomic Energy Agency

### Working paper submitted by Egypt

1. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons stipulates two main provisions:

(a) It confirms the inalienable right of all States parties to the Treaty to conduct peaceful nuclear activities, to develop, research, produce and use nuclear energy for peaceful purposes without discrimination;

(b) It places an obligation on the parties to facilitate the fullest possible exchange of equipment, materials, scientific and technological information and cooperate in contributing to the further development of the peaceful uses of nuclear energy.

Particular emphasis is placed on the development of peaceful nuclear applications in non-nuclear-weapon States parties to the Treaty.

2. The 1995 decision on principles and objectives for nuclear non-proliferation and disarmament affirmed the importance that should be attached to ensuring the exercise by all the parties to the Treaty of the use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. It is worth noting that such an element embodied in the decisions concerning, *inter alia*, peaceful uses of nuclear energy was part of a package which aimed to strengthen the implementation and review process of the Treaty, thus facilitating its indefinite extension.

3. The International Atomic Energy Agency (IAEA) plays a major role in the organization and implementation of the multilateral cooperation stipulated by the Treaty. IAEA was established in 1957 to be the global intergovernmental organization for international cooperation in the peaceful use of nuclear energy.

4. Under its statute, the principle objective of IAEA is to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. Priority within IAEA activities is placed on the transfer of nuclear

technology and techniques to member States, with emphasis on developing countries.

5. It is widely recognized today that a high standard of nuclear, radiation and radioactive waste safety will be determining factor for the future use of nuclear technology and that safety relies not only on good technology but, equally, on good regulatory practices and well-qualified personnel. The achievement of a worldwide safety culture is an integral component of the effective use of nuclear energy and technology for peaceful purposes. Such a culture should include, *inter alia*, enhancing the safety standards and regulations applied by all States, and increasing public awareness and conscience to safety aspects of nuclear energy and technology and its benefits to society and the attainment of developmental objectives.

6. Since the last Review and Extension Conference in 1995, IAEA has continued its efforts aimed at strengthening its role in the transfer of nuclear technology for peaceful purposes to its developing member States, and it is expected that IAEA will expand its role as the principal vehicle of multilateral cooperation in the peaceful use of nuclear energy.

7. However, the resources necessary for the transfer of technology, which had increased in past decades, have levelled off in the past few years while the membership of IAEA increased from 122 in 1995 to 130 in 1999. In practical terms, this implies a reduction in the ability of IAEA to respond to the increasing needs of its member States. During the period 1995 to 1999, there was a continuous gap of approximately 20 per cent between contributions by member States and Technical Cooperation Fund targets approved. While much has been accomplished, more remains to be done to make the benefits of nuclear energy widely available for sustainable development, for environmental protection, for human health and for improving the quality of life of individuals everywhere.

8. The 2000 Review Conference should consider the following actions with a view to reaffirming the importance of and encouraging peaceful uses of nuclear energy:

(a) Reaffirm the inalienable right of all States parties to the Non-Proliferation Treaty to engage in research, production and use of nuclear energy for peaceful purposes without discrimination, and guarantee the free and unimpeded transfer of nuclear technology for peaceful purposes to all States parties to the Treaty;

(b) Reaffirm the commitment of the States parties to the Treaty to the implementation of article IV of the Treaty, and the relevant provisions of decision 2 of the 1995 Review and Extension Conference;

(c) Urge the States parties to the Treaty to pay in full and on time their assessed contributions to the Technical Cooperation Fund of IAEA to ensure that the resources for technical cooperation activities are predictable and assured;

(d) Call upon IAEA to take all necessary measures, including the possibility of the establishment of any new mechanisms, possibly of a mandatory nature, such as the establishment of a mandatory fund outside the regular budget, or adopting a specific resolution on the full payment of contributions on the Technical Cooperation Fund, all aiming to render the resources for its technical cooperation activities predictable and assured;

(e) Encourage the efforts of IAEA in the dissemination of safety culture, and encourage all States parties to take the appropriate national, regional and international steps to enhance and foster a safety culture;

(f) Reaffirm that any attacks or threats of attack on declared nuclear facilities subject to IAEA full-scope safeguards would entail excessively dangerous political, economic and environmental implications, particularly for the civilian inhabitants, and raise serious concerns regarding the respect of international law on the use of force in such cases. Any such action should warrant appropriate action in accordance with the provisions of Chapter VII of the Charter of the United Nations.

NPT/CONF.2000/MC.III/WP.6

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

1 May 2000

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# The need to strengthen financial support to technology transfer by the IAEA in compliance with article IV of the Treaty on the Non-Proliferation of Nuclear Weapons

## Working paper submitted by Mexico

1. The Conference reaffirms that the Non-Proliferation Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence within which those uses can take place.

2. The Conference acknowledges the importance of the work of the International Atomic Energy Agency (IAEA) as the principal agent for technology transfer among the international organizations referred to in article IV, paragraph 2, of the Treaty on the Non-Proliferation of Nuclear Weapons and welcomes the successful activities of the Agency's Technical Cooperation Programme.

3. The Conference notes that the objectives of the Agency as stated in article II of its Statute are "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world" and to ensure that the assistance provided is not used "to further any military purpose".

4. The Conference recognizes the benefits of the peaceful applications of nuclear energy and nuclear techniques in the fields of, *inter alia*, food, agriculture, human health, industry, environment and water resource management and its contribution to achieving sustainable development in developing countries and for generally improving the well-being and the quality of life of the peoples of the world.

5. The Conference recognizes that the major instrument of IAEA for cooperation with developing countries is the Technical Cooperation Programme, which comprises national projects, regional projects and interregional projects. The cost of Technical Cooperation project components and their delivery is funded from voluntary contributions provided by member States. Most of their voluntary contributions are paid into the Technical Cooperation Fund, which accounted for over 92 per cent of the total resources available to the Technical Cooperation Programme in 1999.

6. The Conference further recognizes, however, that resources for this technology transfer, which had increased to meet the needs of developing member States in past

decades, have levelled off in the last five years. Therefore, the Conference expresses its concern that at a time when IAEA membership has increased from 122 in 1995, to 130 in 1999, the available resources have not increased accordingly to meet the objectives mandated in article II of the Statute, thus preventing the Agency from fulfilling its undertakings. In this context, the Conference stresses its concern that during the last five years there has been a growing gap between the approved target figures for the Technical Cooperation Fund and the actual payments.

7. The Conference emphasizes that the Agency's resources for technical cooperation activities must be assured, predictable and sufficient in order to enable the effective and efficient planning of the programme activities. The Conference underlines the need to ensure that IAEA has the human and financial resources necessary in order to meet its responsibilities in the area of technical cooperation effectively. In doing so, the Conference recalls that article IV of the Treaty on the Non-Proliferation of Nuclear Weapons provides for the legal obligation of the Parties to facilitate the fullest possible exchange of equipment, materials, scientific and technological information and to cooperate in contributing to the further development of the peaceful uses of nuclear energy.

8. The Conference commends IAEA for its effort to enhance the effectiveness and efficiency of its Technical Cooperation Programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient member States.

9. The Conference welcomes the Medium Term Strategy adopted in 1999 by IAEA which establishes goals and specific objectives for the period from 2001 to 2005 related to the transfer of technology, in particular through the Technical Cooperation programmes. The enhancement of the contribution of nuclear technology towards meeting, in a sustainable manner, the needs and interests of member States and the development of a comprehensive and effective worldwide nuclear safety culture constitute significant goals relevant to the purposes set forth in article IV.

NPT/CONF.2000/MC.III/WP.7

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Proposal for Main Committee III

### Working paper submitted by Australia, Austria, the Netherlands, Lithuania, and Luxembourg

*Taking note* that the generalization of the entry into force of Additional Protocols, thus strengthening the nuclear safeguards regime, will favour the exchange of nuclear and nuclear-related material in peaceful nuclear cooperation.

NPT/CONF.2000/MC.III/WP.8

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

2 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Portugal on behalf of the European Union

Regarding the peaceful uses of nuclear energy as referred to in the sixth and seventh preambular paragraphs and articles III, paragraph 3, and IV of the Treaty on the Non-Proliferation of Nuclear Weapons and the relevant provisions of the Principles and Objectives, the European Union proposes, on the basis of the framework established by the Treaty and the Principles and Objectives laid down at the 1995 Review and Extension Conference, the following elements as areas, among others, in which, and the means through which, further progress should be sought in future:

1. Calling upon nuclear suppliers to continue the efforts of the Nuclear Suppliers Group and the Zangger Committee to enhance transparency and foster dialogue and cooperation among all interested parties.

2. Calling upon all States with nuclear materials on their territory to maintain and improve, as appropriate, their own arrangements for nuclear materials accountancy, safety and physical protection, applying the appropriate internationally agreed standards.

3. Calling upon all States to take measures to ensure that exports of sensitive materials, equipment and technologies are subject to an appropriate system of surveillance and control, facilitating cooperative technological development by providing confidence to suppliers that goods, technology and materials will only be used for peaceful purposes.

4. Calling upon States that have not yet done so to accede to the Physical Protection Convention, adopt the relevant physical protection and basic safety standards and introduce and enforce appropriate measures and legislation to combat illicit trafficking in nuclear and other radioactive materials.

5. Underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection, and calling upon States that have not yet done so to accede to all relevant conventions as soon as possible and to implement fully their ensuing commitments.

NPT/CONF.2000/MC.III/WP.9

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2000
English
Original: Russian

New York, 24 April-19 May 2000

## Peaceful uses of nuclear energy

### Working paper submitted by the Russian Federation

1. The States Parties note that the Treaty on the Non-Proliferation of Nuclear Weapons is the basis for the constantly expanding international cooperation in the peaceful uses of nuclear energy.

2. The States Parties consider that nuclear power can ensure stable, environmentally safe, economically advantageous development and progress in all areas of human activity in the twenty-first century.

3. The States Parties believe that issues of the safety of nuclear power need to be resolved, in the first place, at the technological level, and call for efforts to be coordinated under the auspices of the International Atomic Energy Agency (IAEA) for the joint formulation of long-term nuclear technologies which to a maximum degree meet the objectives of non-proliferation of nuclear weapons, ensuring nuclear safety, and resolving the problem of the treatment of radioactive wastes.

4. The States Parties propose that, under the auspices of IAEA, an international plan for the establishment of long-term nuclear technologies should be formulated which would ensure the safe supply of energy and, at the technological level, prevent the proliferation of nuclear weapons.

NPT/CONF.2000/MC.III/WP.10

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2000

Original: English

New York, 24 April-19 May 2000

## Peaceful uses of nuclear energy

### Working paper submitted by the Islamic Republic of Iran

1. All States parties should make every effort to facilitate international cooperation in the peaceful uses of nuclear energy. States that are in a position to do so should assist the developing countries in mastering technologies for the peaceful uses of nuclear energy.

2. All States parties should ensure that measures taken by them to prevent nuclear weapons proliferation would facilitate rather than hamper the exercise of the legitimate rights of the developing countries for the peaceful uses of nuclear energy. Those restrictions on the transfer of technologies for the peaceful uses of nuclear energy that are beyond the safeguards required under the Treaty should be removed.

3. The States parties recognize the important role of the Technical Cooperation Fund of the International Atomic Energy Agency (IAEA) in fulfilling obligations set forth in article IV of the Treaty. The States parties emphasize that every effort should be made to ensure that IAEA has the necessary financial and human resources to meet its responsibilities in the area of technical cooperation. The States parties express their concern about the decrease of the pledges and contributions to the Technical Cooperation Fund and urge the States parties that are also IAEA members to make full and timely payments to the Fund.

4. The States parties recognize the important role of IAEA in assisting in the development of nuclear power, as well as in assisting in the applications of nuclear technology in developing countries, especially in the fields of agriculture, human health and environmental protection. The States parties encourage IAEA to further strengthen technical cooperation in the area of nuclear power and nuclear technology applications.

5. The States parties reaffirm their inalienable right to engage in research on, and production and use of, nuclear energy for peaceful purposes without discrimination; and that the free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States parties should be fully ensured.

6. The States parties reaffirm that, beyond safeguards required under the Treaty, unilaterally enforced restrictive measures that prevent peaceful nuclear development should be removed.

7. The States parties reaffirm the responsibility of nuclear supplier States parties to the Treaty to promote the legitimate needs in respect of nuclear energy of the States parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to participate to the fullest in the possible transfer of nuclear equipment, materials, and scientific and technological information for peaceful purposes with a view to their achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

8. The States parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2, paragraph 4, of the Charter of the United Nations, in considering that any attacks or threat of attack on nuclear facilities devoted to the peaceful uses of nuclear energy would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role directed towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks, on nuclear facilities devoted to the peaceful uses of nuclear energy.

9. Every effort should be made to ensure that IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

NPT/CONF.2000/MC.III/WP.11

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

8 May 2000

Original: English

New York, 24 April-19 May 2000

## Working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan

The report of Main Committee III of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons notes that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production and testing of nuclear weapons. The 2000 Review Conference reiterates the call made by the 1995 Conference upon all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in those affected areas.

NPT/CONF.2000/MC.III/WP.12

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 May 2000

Original: English

New York, 24 April-19 May 2000

## Technical cooperation and technology transfer activities within the framework of the International Atomic Energy Agency

### Working paper submitted by Egypt

The present Working Paper was drafted and adopted by the Vienna chapter of the Group of 77 and China, in the context of the International Atomic Energy Agency (IAEA) to be submitted for consideration by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

## I. Introduction

1. The primary objective of IAEA at its inception in 1957, and according to article II of its statute, was "to seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world". It was not until about 15 years later that the Agency was entrusted with the new additional task of the application of safeguards in accordance with the provisions of the Non-Proliferation Treaty, which came into force in 1970.

2. This clearly defines the main priority area and responsibility of the Agency. However, and with due consideration to the equal importance of both areas of activity (technology transfer and safeguards) for their contribution to peace, development and stability, maintaining a balance between the significance attributed to both of them is indispensable for the effective implementation of each of the two activities.

3. Article IV of the Non-Proliferation Treaty provides, *inter alia*, for the obligation of the States parties to the Treaty to facilitate the fullest possible exchange of equipment, materials, scientific and technological information and cooperate in contributing to the further development of the peaceful uses of nuclear energy. Particular emphasis is placed on the development of peaceful nuclear applications in non-nuclear-weapon States parties to the Treaty.

4. In 1995, the Review and Extension Conference adopted by consensus the package which included three decisions, and one resolution on the Middle East. One of the decisions (decision 2) clearly stipulated the need to enhance the technical

cooperation activities of the Agency and to encourage it to render the needed resources for those activities to be in a predictable and assured manner. It is worth noting that such elements embodied in the decisions concerning, *inter alia*, technical cooperation and technology transfer was part of a package which aimed to strengthen the implementation and review process of the Non-Proliferation Treaty, and thus facilitating its indefinite extension.

## II. Present status and facts

### A. Status of technology transfer and technical cooperation

5. IAEA serves as the key institutional mechanism for scientific and technical cooperation in the peaceful uses of nuclear energy and has an important role in the transfer of technology to all its developing member States.

6. IAEA technology transfer and technical cooperation activities cover a vast range of domains and areas, which comprise, *inter alia*:

(a) Nuclear power and the fuel cycle;

(b) Food and agriculture;

(c) Human health;

(d) Environment and air pollution;

(e) Industrial applications;

(f) Hydrology and desalination;

(g) Nuclear radiation and waste safety.

7. From 1995 to 1999, 3,324 technical cooperation projects were approved by the IAEA Board of Governors, of which 754 were included in footnote a/ (i.e., they were without financing assignment when the programme was approved). In the last five years, Technical Cooperation Fund targets represented (in total) only 89.7 per cent of the financing requirements to the approved number of projects.

8. The Agency's technology transfer and technical cooperation activities during the coming five years will be influenced by several trends and challenges which, *inter alia*, include:

(a) The use of nuclear science applications in developing countries, which is growing as local infrastructures improve and technology transfer increase;

(b) Further improvement of the efficiency and effectiveness of the technology transfer activities which is foreseen as a priority goal under the IAEA medium-term strategy covering the next five years and which will enhance the contribution of nuclear technologies towards meeting the needs and interests of a growing number of member States.

9. As a result, IAEA is expected to expand its role as the principal vehicle of multilateral cooperation in the peaceful uses of nuclear energy. Technical cooperation activities can make a direct contribution to development goals and thus to enhancing safety, stability and security.

## B. Facts on the financial status of the technology transfer and technical cooperation activities of the International Atomic Energy Agency

10. The Technical Cooperation Fund was established to finance the major components of the Technical Cooperation Programme provided by IAEA to developing countries. Other sources of funding to the Programme include extrabudgetary resources, assessed programme costs and other income.

11. The Technical Cooperation Fund is made up of voluntary contributions paid by member States. The Fund's target figures are unanimously agreed upon at the IAEA General Conference.

12. During the period from 1995 to 1999, there was a continuous gap averaging more than 20 per cent between contributions made by member States and Technical Cooperation Fund targets approved. However, considering actual contributions by member States to the Fund during that period, this gap in meeting the project requirements increased to 30 per cent. Even with additional financing from extrabudgetary and other resources, there is still a shortfall of about 15 per cent.

13. The indicates that, although projects responding to the real needs of member States have been identified, the only constraint in implementing them is the limited level of resources available.

14. In recent years, some major donors have pledged only a part (20-80 per cent) of their respective targets. Nevertheless, it should be pointed out that, during the 1995-2000 period, the top 10 major donors contributed with 58.8 per cent of the total project requirements, namely, 84.2 per cent in terms of the overall contributions made to the Technical Cooperation Fund.

15. From 1995 to 1999, it is also noted that extrabudgetary resources did not increase in conjunction with increasing Technical Cooperation Fund target figure and the increasing overall resources required for technical cooperation activities.

16. The IAEA General Conference constantly stresses the need to strengthen technical cooperation activities, including the provision of sufficient resources, and has urged all member States to make every effort to pay their contributions to the Technical Cooperation Fund in full and on time, and has reminded member States of their obligations to pay their assessed programme costs.

17. Seven working groups have been established within the last 10 years in an attempt to meet the objectives of General Conference resolutions on technical cooperation financing, a fact which reflects the gravity of the lack of financing for such activities.

18. In spite of all these efforts, the resources of the Fund still remain unpredictable and unassured.

# III. Recommendations

19. Particular emphasis should be placed on achieving and maintaining equitable balance between the promotional and regulatory activities of IAEA.

20. States parties' contributions to the IAEA Technical Cooperation Fund should not be considered as a mere voluntary act, but as a formal political commitment towards rendering the Fund's resources predictable and assured, as stipulated by IAEA General Conference resolutions.

21. Assessed resources for the IAEA Technical Cooperation Fund should acquire a higher status of priority in respective national administrations of IAEA member States.

22. The inalienable right of all States parties to the Non-Proliferation Treaty, in particular developing States, to full access to nuclear technology for peaceful purposes, including nuclear safety, should be upheld. The transfer of such technology should be implemented by States parties in a transparent and realistic manner within the framework of the pertinent paragraphs on technology transfer and export controls of decision 2 of the 1995 Review and Extension Conference and in accordance with the relevant provisions of the Non-Proliferation Treaty.

23. Appreciation should be expressed to all member States, including the major donor States, which respect their commitments to the Technical Cooperation Fund, and pledge and pay in full their contributions to it, and in particular to the major donors contributing extrabudgetary resources in addition to their assessed shares. Other major donor States are urged to follow suit and honour their commitments to the Fund, in accordance with IAEA General Conference resolutions, and article IV of the Non-Proliferation Treaty.

24. The Non-Proliferation Treaty Review Conference calls upon IAEA to consider all necessary ways and means in order to make the resources for technical cooperation more predictable and assured, and in conformity with decision 19 of the principles and objectives of the 1995 Review and Extension Conference.

NPT/CONF.2000/DC/1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

6 July 2000

Original: English

New York, 24 April-19 May 2000

## Report of the Drafting Committee

1. In accordance with rule 36 of the rules of procedure, the Conference established a Drafting Committee composed of representatives of the same States that are represented in the General Committee, as follows: Armenia, Australia, Azerbaijan, Belarus, Cameroon, Canada, China, Costa Rica, Côte d'Ivoire, Ecuador, France, Germany, Ghana, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Latvia, Lithuania, Mexico, Myanmar, Netherlands, New Zealand, Nigeria, Peru, Romania, Senegal, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Viet Nam. Rule 36 also stipulates that representatives of other delegations may attend the meetings of the Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

2. The Committee met under the chairmanship of Mr. André Erdős (Hungary). Ms. Fayza Aboulnaga (Egypt) and Mr. Pedro Villagra-Delgado (Argentina) served as Vice-Chairmen.

3. The Committee held five meetings, from 12 to 19 May 2000.

4. The Committee had before it the reports of the Main Committees I, II and III (NPT/CONF.2000/MC.I/1, NPT/CONF.2000/MC.II/1, NPT/CONF.2000/MC.III/1/Rev.1, respectively), including all the relevant documents listed therein. It recalled that the Conference, at its 15th plenary meeting, on 12 May 2000, had taken note of the reports of the Main Committees of the Conference.

5. The following papers were submitted to the Drafting Committee:

| | |
|---|---|
| NPT/CONF.2000/DC/WP.1 | Draft final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: organization and work of the Conference |
| NPT/CONF.2000/CRP.1/Rev.1 | Draft final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference |
| | Improving the effectiveness of the strengthened review process for the Treaty |
| NPT/CONF.2000/CRP.2 | Draft report of the Drafting Committee |

6. The Committee considered and agreed to recommend to the Conference for adoption the Final Document, as contained in documents NPT/CONF.2000/DC/WP.1 and NPT/CONF.2000/DC/CRP.1/Rev.1, as orally amended.[*]

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[*] The agreed text of the Final Document is contained in document NPT/CONF.2000/28 (Parts I and II).

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

15 May 2000

Original: English

New York, 24 April-19 May 2000

### Annex to the draft report of the Drafting Committee

## Final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

## Organization and work of the Conference

### Introduction

1. At its fifty-first session, the General Assembly, in its resolution 51/45 A of 10 December 1996, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first session of the Preparatory Committee for the 2000 Review Conference in New York from 7 to 18 April 1997.

2. Accordingly, the Committee held its first session in New York from 7 to 18 April 1997. Following the decision taken at that session, the Committee held its second session at Geneva from 27 April to 8 May 1998 and its third session in New York from 10 to 21 May 1999. Progress reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2000/PC.I/32 and NPT/CONF.2000/PC.II/36.

3. The final report of the Preparatory Committee, adopted on 21 May 1999, (NPT/CONF.2000/1 and Corr.1) was issued as a document of the Conference prior to its opening. The report included, *inter alia*, the provisional agenda of the Conference, a proposed allocation of items to the Main Committees of the Conference and the draft rules of procedure.

4. Pursuant to the request of the Preparatory Committee, the United Nations Secretariat, the International Atomic Energy Agency (IAEA), the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Forum, the Organization of African Unity, and the depositary of the Bangkok Treaty prepared a number of papers, which were submitted to the Conference as background documents as follows:

(a) By the United Nations Secretariat:

Implementation of the tenth preambular paragraph of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference (NPT/CONF.2000/2);

Implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference (NPT/CONF.2000/3);

Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: Developments since the 1995 Review and Extension Conference (NPT/CONF.2000/4);

Implementation of article VII of the Treaty on the Non-Proliferation of Nuclear

Weapons: Developments since the 1995 Review and Extension Conference (NPT/CONF.2000/5);

Developments regarding positive and negative security assurances since the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/6);

Implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/7);

Realization of the goals of the Treaty on the Non-Proliferation of Nuclear Weapons in various regions of the world (NPT/CONF.2000/8);

(b) By the International Atomic Energy Agency:

Activities of the International Atomic Energy Agency relevant to article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/9);

Activities of the International Atomic Energy Agency relevant to article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/10);

Activities of the International Atomic Energy Agency relevant to article V of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/11);

(c) By the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean:

Memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean prepared for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/12);

(d) By the South Pacific Forum Secretariat:

Memorandum on activities relating to the South Pacific Nuclear-Free-Zone Treaty (NPT/CONF.2000/13);

(e) By the Organization of African Unity:

A memorandum from the Secretariat of the Organization of African Unity regarding its activities related to the Pelindaba Treaty (NPT/CONF.2000/14);

(f) By the depositary of the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok):

Memorandum on activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) (NPT/CONF.2000/15).

## Organization of the Conference

5. In accordance with the decision of the Preparatory Committee, the Conference was opened on 24 April 2000 at United Nations Headquarters by the Chairman of the third session of the Preparatory Committee, Mr. Camilo Reyes Rodriguez (Colombia). At its first plenary meeting on 24 April, the Conference elected by acclamation Mr. Abdallah Baali (Algeria) as its President. The Conference also unanimously confirmed the nomination of Ms. Hannelore Hoppe, Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, as Secretary-General of the Conference.

6. Also at its first plenary meeting, Mr. Kofi A. Annan, Secretary-General of the United Nations, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, addressed the Conference.

7. At the same meeting, the Conference adopted its agenda as recommended by the Preparatory Committee (NPT/CONF.2000/1, annex VII), as follows.

8. It also adopted the allocation of items to the three Main Committees of the Conference as proposed by the Preparatory Committee (NPT/CONF.2000/1, annex VIII).

### Agenda

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.

3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.
5. Address by the Director General of the International Atomic Energy Agency.
6. Submission of the final report of the Preparatory Committee.
7. Adoption of the rules of procedure.
8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.
9. Election of Vice-Presidents.
10. Credentials of representatives to the Conference:
    - (a) Appointment of the Credentials Committee;
    - (b) Report of the Credentials Committee.
11. Confirmation of the nomination of the Secretary-General.
12. Adoption of the agenda.
13. Programme of work.
14. Adoption of arrangements for meeting the costs of the Conference.
15. General debate.
16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference:
    - (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
        - (i) Articles I and II and preambular paragraphs 1 to 3;
        - (ii) Article VI and preambular paragraphs 8 to 12;
        - (iii) Article VII with specific reference to the main issues in (a) and (b);
    - (b) Security assurances:
        - (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
        - (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;
    - (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
        - (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
        - (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
        - (iii) Article VII;
    - (d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
        - (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
        - (ii) Article V;
    - (e) Other provisions of the Treaty.
17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.
18. Reports of the Main Committees.

19. Consideration and adoption of Final Document(s).

20. Any other business.

9. Also at its opening meeting, the Conference adopted its rules of procedure as recommended by the Preparatory Committee (NPT/CONF.2000/1, annex VI).

10. The rules of procedure provided for the establishment of a General Committee, three Main Committees, a Drafting Committee and a Credentials Committee.

11. The Conference unanimously elected the Chairmen and Vice-Chairmen of the three Main Committees, the Drafting Committee and the Credentials Committee, as follows:

### Main Committee I

*Chairman*
Mr. Camilo **Reyes** (Colombia)

*Vice-Chairman*
Mr. Jean **Lint** (Belgium)

*Vice-Chairman*
Mr. Vadim **Reznikov** (Belarus)

### Main Committee II

*Chairman*
Mr. Adam **Kobieracki** (Poland)

*Vice-Chairman*
Mr. **Suh** Dae-won (Republic of Korea)

*Vice-Chairman*
Mr. Yaw Odei **Osei** (Ghana)

### Main Committee III

*Chairman*
Mr. Markku **Reimaa** (Finland)

*Vice-Chairman*
Mr. Igor **Dzundev** (The former Yugoslav Republic of Macedonia)

*Vice-Chairman*
Mr. Hamid **Baeidi Nejad** (Islamic Republic of Iran)

### Drafting Committee

*Chairman*
Mr. André **Erdös** (Hungary)

*Vice-Chairman*
Ms. Fayza **Aboulnaga** (Egypt)

*Vice-Chairman*
Mr. Pedro **Villagra-Delgado** (Argentina)

### Credentials Committee

*Chairman*
Mr. Makmur **Widodo** (Indonesia)

*Vice-Chairman*
Mr. Ion **Botnaru** (Moldova)

*Vice-Chairperson*
Mr. Wernfried **Köffler** (Austria)

12. In accordance with rule 34 of the rules of procedure, the Conference decided to establish for the duration of the 2000 Review Conference, subsidiary body 1 and subsidiary body 2 under Main Committee I and Main Committee II, respectively. It decided that the subsidiary bodies would be open-ended, hold four meetings within the overall time allocated to the Main Committees, be held in private, and that the outcome of their work would be reflected in the report of their respective Main Committees to the Conference.

13. The Conference decided that subsidiary body 1 would be chaired by Mr. Clive Pearson (New Zealand) and would discuss and consider the practical steps for systematic and progressive efforts to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

14. The Conference decided that subsidiary body 2 would be chaired by Mr. Christopher Westdal (Canada) and would examine the "regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution".

15. The Conference also unanimously elected 33 vice-presidents from the following States parties: Armenia, Australia, Azerbaijan, Belarus, Cameroon, Canada, China, Costa Rica, Côte d'Ivoire, Ecuador, France, Germany, Ghana, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Latvia, Lithuania, Mexico, Myanmar, Netherlands, New Zealand, Nigeria, Peru,

Romania, Senegal, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Viet Nam.

16. The Conference appointed representatives from the following States parties as members of the Credentials Committee: Chile, Greece, Morocco, Slovakia, Slovenia and Switzerland.

17. The Credentials Committee held ..... meetings and, on ... May 2000, adopted its report to the Conference on the credentials of States parties (NPT/CONF.2000/CC/1). At its ....th plenary meeting, on .... May, the Conference took note of the report.

## Participation in the Conference

18. A total of 152 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the Conference as follows: Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

19. In accordance with subparagraph 1 (a) of rule 44, one State not party to the Treaty, Cuba, attended the Conference as an observer.

20. In accordance with subparagraph 1 (b) of rule 44, Palestine was granted observer status.

21. The United Nations and IAEA participated in the Conference in accordance with paragraph 2 of rule 44.

22. In accordance with paragraph 3 of rule 44, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, the European Community, the International Committee of the Red Cross, the League of Arab States, the Nuclear Energy Agency of the Organisation for Economic Cooperation and Development, the Organization of African Unity, the Organization of the Islamic Conference, the Organization for the Prohibition of Chemical Weapons, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, and the South Pacific Forum were granted observer agency status.

23. One hundred and ......... research institutes and non-governmental organizations attended the Conference, in accordance with paragraph 4 of rule 44.

24. A list of all delegations to the Conference, including States parties, observers, the United Nations and IAEA, observer agencies and research institutes and non-governmental organizations, is contained in ......(part II)....... of the Final Document.

## Financial arrangements

25. At its ......th plenary meeting, the Conference decided to adopt the cost-sharing formula proposed by the Preparatory Committee in the appendix to rule 12 of the rules of procedure (NPT/CONF.2000/...). The final schedule of costs as contained in document NPT/CONF.2000/... was based on the actual participation of States parties in the Conference.

## Work of the Conference

26. The Conference held ..... plenary meetings between 24 April and 19 May 2000, when it concluded its work.

27. The general debate in plenary, in which 93 States parties took part, was held from 24 April to 2 May. In accordance with the decision of the Conference, four observer agencies, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, the League of Arab States, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, also addressed the Conference.

28. Main Committee I held seven meetings between 26 April and 11 May 2000. Its report (NPT/CONF.2000/MC.I/1) was submitted to the Conference at its 15th plenary meeting, on 12 May 2000. Main Committee II held seven meetings between 26 April and 12 May 2000. Its report (NPT/CONF.2000/MC.II/1) was submitted to the Conference at its 15th plenary meeting, on 12 May 2000. Main Committee III held four meetings between 27 April and 12 May 2000. Its report (NPT/CONF.2000/MC.III/1) was submitted to the Conference at its 15th plenary meeting, on 12 May 2000. At that meeting, the Conference took note of the reports of the three Main Committees.

29. The Drafting Committee met from 12 to .... May 2000. Its report (NPT/CONF.2000/DC/1) was submitted to the Conference at its ...th plenary meeting on ... May 2000. At that meeting, the Conference took note of the report.

## Documentation

30. A list and the texts of the documents of the Conference are contained ....(in part...)....... of the Final Document.

## Conclusions of the Conference

31. At its ....th plenary meeting, on 19 May 2000, the Conference.......

(Substantive outcome of the Conference to be drafted.)

NPT/CONF.2000/CC/1

# 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

16 May 2000

Original: English

New York, 24 April-19 May 2000

## Credentials of representatives to the conference

### Final report of the Credentials Committee

1. Rule 3 of the rules of procedure of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons provides:

> "The Conference shall establish a Credentials Committee composed of the Chairman and two Vice-Chairmen elected in accordance with rule 5, and six members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay."

2. In accordance with rule 5 of its rules of procedure, the Conference unanimously elected Mr. Makmur Widodo (Indonesia) as Chairman of the Credentials Committee and Mr. Ion Botnaru (Republic of Moldova) and Mr. Wernfried Köffler (Austria) as Vice-Chairmen of the Committee.

3. In accordance with rule 3 of its rules of procedure, the Conference, on the proposal of the President, appointed the following countries as members of the Credentials Committee: Chile, Greece, Morocco, Slovakia, Slovenia and Switzerland.

4. The Committee held its first and second meetings on 27 April and 4 May 2000 to examine the credentials received as at those dates. The Committee had before it two memoranda of the Secretary-General of the Conference, dated 27 April and 3 May, containing information on the status of the credentials of the representatives of the States parties attending the Conference. Pursuant to the request in rule 3 that the Committee report to the Conference without delay, at the 12th plenary meeting, on 5 May, the Chairman, on behalf of the Committee, introduced an interim report of the Committee to the Conference (NPT/CONF.2000/CC/L.1).

5. Also at its first meeting, the Committee noted the information relayed by the Secretary-General of the Conference and requested the Chairman to invite those States parties that had not yet done so to submit to the Secretary-General of the Conference the credentials of their representatives in accordance with rule 2 of the rules of procedure. The Committee's request was communicated by the Chairman to the States parties through a note (NPT/CONF.2000/INF.5). Further, those delegations which had presented no written communication were contacted directly

by telefax to remind them of the terms of rule 2 regarding the presentation of their credentials.

6. At its third meeting, on 16 May, the Committee had before it a memorandum from the Secretary-General of the Conference which gave updated information on the status of the credentials of the representatives of States parties participating in the Conference.

7. Having examined the information contained in those memoranda, and other credentials it received subsequently, the Committee noted that as at 15 May:

(a) Formal credentials in due form, as provided for by rule 2 of the rules of procedure, had been received by the Secretary-General of the Conference for representatives from the following 87 States parties: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Bhutan, Brazil, Bulgaria, China, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Germany, Greece, Haiti, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Viet Nam;

(b) Provisional credentials of the representatives of the following 30 States parties had been communicated to the Secretary-General of the Conference in the form of telefax or copy from their Heads of State or Government or from Foreign Ministers: Albania, Bangladesh, Botswana, Brunei Darussalam, Cambodia, Chile, Colombia, Costa Rica, Cyprus, Egypt, Georgia, Ghana, Guatemala, Iraq, Italy, Kyrgyzstan, Latvia, Marshall Islands, Micronesia (Federated States of), Nauru, Niger, Philippines, Samoa, Sierra Leone, Tajikistan, Togo, Turkmenistan, Uruguay, Uzbekistan and Yemen;

(c) The designation of the representatives of the following 36 States parties had been communicated to the Secretary-General of the Conference by notes verbales or letters from their Permanent Missions in New York: Andorra, Angola, Antigua and Barbuda, Bahamas, Benin, Bolivia, Bosnia and Herzegovina, Burkina Faso, Canada, Cape Verde, Central African Republic, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador, Eritrea, Gambia, Guyana, Jordan, Kazakhstan, Kenya, Lesotho, Liberia, Mozambique, Nicaragua, Nigeria, Peru, Qatar, Saint Lucia, Senegal, Suriname, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

8. On the proposal of the Chairman, the Committee agreed to accept the credentials of all the participating States parties referred to in paragraph 7 (a), (b) and (c) on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 7 (b) and (c) would be

submitted as soon as possible, in accordance with the terms of rule 2 of the rules of procedure.

9. At its third meeting, the Committee unanimously adopted its report to the Conference.